

BEFORE THE UTAH SOLID AND HAZARDOUS WASTE CONTROL BOARD

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In the Matter of:

**STIPULATION AND CONSENT
ORDER**

Deseret Chemical Depot

Deseret Chemical Depot, Tooele County, Utah

UT5210090002

No.0805011

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This **STIPULATION AND CONSENT ORDER** (SCO) is issued by the UTAH SOLID AND HAZARDOUS WASTE CONTROL BOARD (the Board) pursuant to the Utah Solid and Hazardous Waste Act (the Act), 19-6-101, et seq., Utah Code Annotated 1953, as amended (UCA).

STIPULATION

1. The Deseret Chemical Depot (DCD) is a U.S Army facility located in the State of Utah. The Chemical Agent Munitions Disposal System (CAMDS), the Tooele Chemical Agent Disposal Facility (TOCDF), and Area 2 and Area 10 Storage Areas are located at DCD.
2. The DCD, the CAMDS, and the TOCDF are each a “person” as defined in UCA 19-1-103(4) and are subject to all applicable provisions of the Utah Solid and Hazardous Waste Act (the Act) and of the Utah Administrative Code R315 (the Rules).
3. The DCD, the CAMDS, and the TOCDF generate, treat, and store wastes defined as hazardous by R315-2 of the Rules. The wastes include, but are not limited to, D001,

D002, D003, D004, D005, D006, D007, D008, D009, D010, D011, F002, F003, F005, F999, and P999.

4. The DCD is subject to applicable generator requirements and a Part B Hazardous Waste Storage Permit originally issued on April 1, 1993. The Permit for DCD was issued to the Tooele Army Depot - South Area. Subsequently, the name was changed to Deseret Chemical Depot. The DCD Part B Permit was re-issued on January 25, 2005. The DCD is permitted for storage of hazardous waste in containers and waste piles in buildings located in five areas of the facility.
5. The CAMDS is subject to applicable generator requirements and a Part B Hazardous Waste Storage and Treatment Permit issued on September 24, 1999. The Part B Permit for CAMDS was issued to the United States Department of the Army, Deseret Chemical Depot. Currently, the Metal Parts Furnace (MPF) is inactive. The Deactivation Furnace System (DFS) and Liquid Incinerator (LIC) are being closed. The CAMDS also had seven tank systems for the storage and treatment of hazardous waste, and several miscellaneous treatment units for the treatment of hazardous waste. The CAMDS is subject to applicable generator requirements and a hazardous waste storage and treatment permit.
6. The TOCDF is subject to applicable generator requirements and a Part B Hazardous Waste Storage and Treatment Permit issued June 30, 1989. The TOCDF Part B Permit was re-issued on May 3, 2004. The Permit for the TOCDF is issued to the U.S. Army Chemical Materials Agency (CMA) (Facility Owner, Co-Permittee, Co-Operator) and EG&G Defense Materials, Inc. (Facility Co-Permittee, Facility Co-Operator). The TOCDF has four permitted incinerators for the treatment of hazardous waste, three tank systems for the storage and treatment of hazardous waste, and several miscellaneous treatment units for the treatment of hazardous waste.
7. Authorized inspectors (inspectors) of the Board conducted Compliance Evaluation Inspections (CEI) of the DCD, the CAMDS, and the TOCDF between October 2006 and September 2007. Additionally, the facilities submitted reports and letters documenting self-discovered non-compliances with their permits and other applicable rules. The findings documented at the DCD, the CAMDS, and the TOCDF during site inspections and in the reports of self-discovered non-compliances resulted in the issuance of Notice of Violation and Compliance Order (NOV/CO) Number 0712032 on February 4, 2008. The NOV/CO alleges violations by the DCD, the CAMDS, and the TOCDF of the Act, the facility Hazardous Waste Permits and applicable rules.
8. On February 19 and 21, 2008, the DCD, the CAMDS, and the TOCDF provided the Board with statements of their intent to comply with the NOV/CO and requests for hearings. On March 27, 2008, and April 7, 2008, the DCD, the CAMDS and the TOCDF provided the Board with written responses to the violations cited in the NOV/CO.

ADDITIONAL VIOLATIONS

9. In addition to the violations identified in Paragraph 7 above, additional violations were either documented during inspections that occurred after the CEI in September of 2007 and prior to the end of April of 2008 or were reported by the DCD or the TOCDF after September of 2007 and prior to the end of April of 2008. These violations are numbers A1 through A11 in the Penalty Narrative and Calculations.

STIPULATION

10. The parties admit the Board has jurisdiction over this matter.
11. The parties now wish to resolve this matter fully without resort to administrative or judicial proceedings.
12. For the purpose of this SCO, the parties agree and stipulate to the above stated stipulations. None of the stipulations related herein shall be considered admissions by any party, other than Paragraph 10 above, and shall not be used by any person related or unrelated to this SCO for purposes other than determining the basis of this SCO.

CONSENT ORDER

13. In full settlement of the Board's alleged and potential claims for the violations in NOV Number 0712032 issued February 4, 2008, and the additional violations identified in Paragraph 9, the DCD, the CAMDS, and the TOCDF shall pay the sum of \$72,860.25 dollars. This penalty was calculated in accordance with the Penalty Policy of the Utah Solid and Hazardous Waste Control Board. Full payment shall be made within 60 days of the effective date of this SCO, to Dennis R. Downs, Executive Secretary, Utah Solid and Hazardous Waste Control Board, P.O. Box 144880, Salt Lake City, Utah, 84114-4880.

ANTI-DEFICIENCY ACT

14. The DCD and the CMA shall seek all funds necessary for the payment of civil penalties under this SCO by the most expeditious means possible and, if necessary, shall seek new authorization from Congress to achieve the most expeditious schedule of such compliance in accordance with Sections 1-4 and 1-5 of Executive Order 12088. Section 1-5 of Executive Order 12088 states "the head of each executive agency shall ensure that sufficient funds for compliance with applicable pollution control standards are requested in the Agency budget."
15. However, payment or obligation of funds by the DCD and the CMA pursuant to this SCO shall be subject to the availability of appropriated funds, and no provision herein shall be

interpreted to require obligation or payment of funds in violation of the Anti-Deficiency Act, 31 United States Code Section 1341. Failure to obtain adequate funds or appropriation from Congress does not, in any way, release the DCD and the CMA from its obligations to comply with the Resource Conservation and Recovery Act, as amended, 42 U.S.C. Section 6901 *et seq.*, or the Utah Solid and Hazardous Waste Act, Section 19-6-101 *et seq.*, as amended, including the payment of fines or penalties, or performance of supplemental environmental projects. Where payment or obligation of such funds would constitute a violation of the Anti-Deficiency Act, the time frames established in this section requiring the payment or obligation of these funds shall be appropriately adjusted. The parties agree that the provisions of the Anti-Deficiency Act do not apply to EG&G.

16. The parties agree that in any judicial proceeding to enforce the requirements of this SCO, the DCD and the CMA, but not EG&G, may raise a defense that any failure or delay was caused by the unavailability of appropriated funds.

FORCE MAJEURE

17. The DCD, the CMA, and EG&G shall perform the requirements of this SCO within the time frames set forth herein unless the performance is prevented or delayed by events which constitute a force majeure.

- (a) A force majeure is defined as any event arising from causes not reasonably foreseeable and beyond the control of the DCD, the CMA, and EG&G which cannot be overcome by due diligence. A force majeure shall mean any event arising from causes beyond the control of a party that causes a delay in or prevents the performance of any obligation under this SCO, including but not limited to, acts of God, fire, war, insurrection, civil disturbance, explosion, unanticipated breakage or accident to machinery, equipment or lines of pipe despite reasonably diligent maintenance, adverse weather conditions that could not be reasonably anticipated, unusual delay in transportation, restraint by court order or order of public authority, inability to obtain, at reasonable cost and after exercise of reasonable diligence, any necessary authorizations, approvals, permits or licenses due to action or inactions of any governmental agency or authority other than the DCD and the CMA, delays caused by compliance with applicable statutes or regulations governing contracting, procurement or acquisition procedures, despite the exercise of reasonable diligence and insufficient availability of appropriated funds, if the DCD and the CMA shall have made timely request for such funds as part of the budgetary process. A force majeure shall also include any strike or other labor dispute, whether or not within the control of a party affected thereby. Force majeure shall not include increased costs or expenses of an action, whether or not anticipated at the time of the action was initiated.
- (b) Within seventy-two (72) hours of the time that the DCD, the CMA, and EG&G know or have reason to know of the occurrence of any event which the DCD, the CMA, and EG&G have reason to believe may prevent their timely compliance with any

requirement under this SCO, the DCD, the CMA, and EG&G shall provide oral notification to the Executive Secretary. Within seven (7) calendar days of the discovery of the event, the DCD, the CMA, and EG&G shall submit to the Executive Secretary a written description of the event causing the delay, the reasons for the delay, the expected duration of the delay, actions which will be taken to mitigate the duration of the delay and a revised time frame for completion of the affected requirement for approval by the Executive Secretary.

- (c) The burden of proving that any delay was caused by a force majeure and that the required notices were given shall at all times rest with the DCD, the CMA, and EG&G. Delay in the achievement of one requirement shall not necessarily justify or excuse delay in the achievement of subsequent requirements. In the event any performance under this SCO is found to have been delayed by a force majeure, the DCD, the CMA, and EG&G shall perform the requirements of this SCO that were delayed by the force majeure within the revised time frame for compliance as approved by the Executive Secretary.

EFFECT OF CONSENT ORDER

18. Nothing contained herein shall be deemed to constitute a waiver by the State of its right to initiate enforcement action, including civil penalties, against the DCD, the CAMDS, or the TOCDF in the event of future non-compliance with this SCO or with the Utah Solid and Hazardous Waste Act or the Utah Administrative Code, nor shall the State be precluded in any way from taking appropriate action to abate an imminent endangerment to human health or the environment should such a situation arise at the DCD, the CAMDS, or the TOCDF. However, compliance with this SCO shall relieve the DCD, the CAMDS, and the TOCDF of all liability for violations alleged in NOV Number 0712032 issued February 4, 2008 and the additional violations identified in Paragraph 9.
19. This SCO shall not in any way relieve the DCD, the CAMDS, and the TOCDF of any obligation to comply with applicable local, state, or federal law or regulations.
20. By entering into this SCO, the DCD, the CAMDS, and the TOCDF withdraw their requests for a hearing.

EFFECTIVE DATE

21. This SCO shall become effective upon execution by Deseret Chemical Depot, the TOCDF, EG&G and the Executive Secretary of the Utah Solid and Hazardous Waste Control Board.

Dated this _____ day of _____, 2008

Deseret Chemical Depot

Tooele Chemical Agent Disposal Facility

By: _____
Col. Gerald L. Gladney
Commander, DCD

By: _____
Thaddeus A. Ryba, Jr., TOCDF Site Project
Manager

EG&G Defense Materials, Inc

Utah Solid and Hazardous Waste Control
Board

By: _____
Gary W. McCloskey, General Manager
Tooele Chemical Agent Disposal Facility

By: _____
Dennis R. Downs, Executive Secretary
Utah Solid and Hazardous Waste Control
Board

**UTAH DIVISION OF SOLID AND HAZARDOUS WASTE
SETTLEMENT PENALTY NARRATIVE**

Deseret Chemical Depot, Chemical Agent Munitions Disposal System, Tooele Chemical Agent Disposal Facility
NOV 0712032

Finding 7.1

Finding Description - The Deseret Chemical Depot (DCD) failed to ensure that all containers of hazardous waste were kept closed except when waste was being added or removed from the containers. During the Comprehensive Evaluation Inspection (CEI) on September 6, 2007, inspectors from the Division of Solid and Hazardous Waste (DSHW) documented that a container of hazardous waste, number A1305M525501, which was located in a permitted storage area, was open.

Gravity based penalty from the matrix

(a) Potential for Harm - Minor - The container was located in a permitted storage building and was otherwise being managed properly. The container was labeled and dated. Access to the building is controlled and restricted to employees trained in the management of hazardous waste.

(b) Extent of Deviation - Minor - The DCD kept the majority of containers of hazardous waste closed when waste was not being added or removed.

Percent increase/decrease for good faith – N/A

Percent increase/decrease for willfulness/negligence – N/A

Percent increase/decrease for history of compliance/non-compliance – 30% increase - Failure to keep containers of hazardous waste closed has been a violation in three of the last three Notices of Violation (NOV).

Percent increase/decrease for other unique factors – N/A

Increase for economic benefit – N/A

**UTAH DIVISION OF SOLID AND HAZARDOUS WASTE
SETTLEMENT PENALTY NARRATIVE**

Deseret Chemical Depot, Chemical Agent Munitions Disposal System, Tooele Chemical Agent Disposal Facility
NOV 0712032

Finding 7.2

Finding Description – The DCD failed to enter all required data in the appropriate locations on at least one hazardous waste manifest. During the CEI on September 4, 2007, DSHW inspectors documented that the DCD had failed to enter in Block 13 of the hazardous waste manifest all of the four-digit EPA Hazardous Waste numbers assigned to the waste being shipped with the manifest. The manifest number was 000965523.

Gravity based penalty from the matrix

(a) Potential for Harm - Penalty – N/A

(b) Extent of Deviation - Penalty – N/A

Percent increase/decrease for good faith – N/A

Percent increase/decrease for willfulness/negligence – N/A

Percent increase/decrease for history of compliance/non-compliance – N/A

Percent increase/decrease for other unique factors – Further review of the manifest and manifest regulations revealed that the manifest was properly completed. No penalty will be collected.

Increase for economic benefit – N/A

UTAH DIVISION OF SOLID AND HAZARDOUS WASTE SETTLEMENT PENALTY NARRATIVE

Deseret Chemical Depot, Chemical Agent Munitions Disposal System, Tooele Chemical Agent Disposal Facility
NOV 0712032

Finding 7.3

Finding Description – The DCD failed to orally report to the Executive Secretary within twenty four (24) hours from the time that it became aware, a noncompliance with the Permit that might have endangered human health or the environment. The DCD reported in a letter dated August 7, 2007, (DSHW No. 07.02484) a failure to orally report a confirmed agent reading that occurred on July 26, 2007, at Igloo 1306.

Gravity based penalty from the matrix

(a) Potential for Harm - Moderate – Failure to orally report an incident within 24 hours prevents the Executive Secretary from taking appropriate action in a timely manner in order to protect human health and the environment.

(b) Extent of Deviation - Minor – The DCD reported this incident 12 days after it occurred.

Percent increase/decrease for good faith – 15% decrease – The DCD reported this violation as soon as it was discovered.

Percent increase/decrease for willfulness/negligence – N/A

Percent increase/decrease for history of compliance/non-compliance – N/A

Percent increase/decrease for other unique factors – N/A

Increase for economic benefit – N/A

UTAH DIVISION OF SOLID AND HAZARDOUS WASTE SETTLEMENT PENALTY NARRATIVE

Deseret Chemical Depot, Chemical Agent Munitions Disposal System, Tooele Chemical Agent Disposal Facility
NOV 0712032

Finding 7.4

Finding Description – The DCD failed to maintain an accurate written operating record at the facility. During the CEI at the DCD facility on September 6, 2007, DSHW inspectors documented four containers of hazardous waste in storage that were not on the inventory sheets for Buildings 1835 and 1825. The container numbers are: C7046O0513701, C7046O0521601, C7046O0516404, and F001RR406205.

Gravity based penalty from the matrix

(a) Potential for Harm - Minor – This appears to have been an administrative error. The containers were labeled, dated and closed at the time of the inspection. All four containers were in good condition with no leaks and were being stored properly in permitted storage units. Access to the storage units is controlled.

(b) Extent of Deviation - Minor – The majority of the containers of hazardous waste in storage at the DCD were tracked accurately on the written operating record.

Percent increase/decrease for good faith – N/A

Percent increase/decrease for willfulness/negligence – N/A

Percent increase/decrease for history of compliance/non-compliance – N/A

Percent increase/decrease for other unique factors – N/A

Increase for economic benefit – N/A

**UTAH DIVISION OF SOLID AND HAZARDOUS WASTE
SETTLEMENT PENALTY NARRATIVE**

Deseret Chemical Depot, Chemical Agent Munitions Disposal System, Tooele Chemical Agent Disposal Facility
NOV 0712032

Finding 7.5

Finding Description – The DCD failed to ensure that all containers of liquid hazardous waste were placed on secondary containment while in storage. During an inspection of the DCD facility on October 15, 2007, a DSHW inspector documented two containers of liquid GA laboratory hazardous waste (C7085M0629201 and C7085M0722003) in Igloo 2606 that were not stored with secondary containment.

Gravity based penalty from the matrix

(a) Potential for Harm - Minor – The containers of hazardous waste were in good condition and had been inspected regularly.

(b) Extent of Deviation - Minor – The DCD properly stored containers of liquid hazardous waste the majority of the time during this inspection period.

Percent increase/decrease for good faith – N/A

Percent increase/decrease for willfulness/negligence – N/A

Percent increase/decrease for history of compliance/non-compliance – N/A

Percent increase/decrease for other unique factors – N/A

Increase for economic benefit – N/A

**UTAH DIVISION OF SOLID AND HAZARDOUS WASTE
SETTLEMENT PENALTY NARRATIVE**

Deseret Chemical Depot, Chemical Agent Munitions Disposal System, Tooele Chemical Agent Disposal Facility
NOV 0712032

Finding 7.6

Finding Description - The DCD failed to maintain aisles between rows of containers of hazardous waste that were a minimum of 2.5 feet wide. During the CEI at the DCD facility on September 6, 2007, DSHW inspectors documented some aisles in Building 1835 that were not maintained at the required 30 inches. Inspectors documented aisles that were 21, 22, and 25 inches wide.

Gravity based penalty from the matrix

(a) Potential for Harm - Minor - The containers of hazardous waste were being managed properly with the exception of the limited aisle space.

(b) Extent of Deviation - Minor - The DCD was in compliance with the aisle space requirement in all other areas during the inspection period.

Percent increase/decrease for good faith – N/A

Percent increase/decrease for willfulness/negligence – N/A

Percent increase/decrease for history of compliance/non-compliance – 20% increase – Failure to maintain aisle space has been a violation in two of the last three NOVs.

Percent increase/decrease for other unique factors – N/A

Increase for economic benefit – N/A

UTAH DIVISION OF SOLID AND HAZARDOUS WASTE SETTLEMENT PENALTY NARRATIVE

Deseret Chemical Depot, Chemical Agent Munitions Disposal System, Tooele Chemical Agent Disposal Facility
NOV 0712032

Finding 7.7

Finding Description – The CAMDS failed to ensure that all hazardous wastes were properly placed into an appropriate container for collection and storage of the waste. During an inspection of the CAMDS facility on November 20, 2006, a DSHW inspector documented hazardous waste that had not been placed into a container. In the Metal Parts Furnace 90-day area, the inspector documented ash on the floor and pallet outside the container used to collect this waste.

Gravity based penalty from the matrix

(a) Potential for Harm - Moderate - The hazardous waste in question was very fine and could easily become airborne. Workers in the area are not required to wear respiratory protection or other PPE. Additionally, the area is not a secure area and transient personnel who may not have complete knowledge of associated hazards are allowed to pass through the area.

(b) Extent of Deviation - Minor – The CAMDS properly containerized hazardous waste the majority of the time during this inspection period.

Percent increase/decrease for good faith – N/A

Percent increase/decrease for willfulness/negligence – N/A

Percent increase/decrease for history of compliance/non-compliance – 30% increase – Failure to containerize hazardous waste has been a violation in three of the last three NOV's.

Percent increase/decrease for other unique factors – N/A

Increase for economic benefit – N/A

UTAH DIVISION OF SOLID AND HAZARDOUS WASTE SETTLEMENT PENALTY NARRATIVE

Deseret Chemical Depot, Chemical Agent Munitions Disposal System, Tooele Chemical Agent Disposal Facility
NOV 0712032

Finding 7.8

Finding Description – The CAMDS failed to place hazardous waste into permitted storage. During the CEI at the CAMDS facility on September 11, 2007, DSHW inspectors documented hazardous waste that was not in a permitted storage location and had been in storage for longer than 90 days. While inspecting the Deactivation Furnace Building it was documented that, although the DFS is being closed and the major portion of the kiln has been removed, hazardous waste in the form of treatment residue was observed in the remaining DFS equipment.

Gravity based penalty from the matrix

(a) Potential for Harm - Minor – The former kiln area is secured and no longer in used by the CAMDS facility. Personnel do not enter this area on a routine basis. Attempts had been made to cover the hazardous waste with plastic but this covering had fallen down.

(b) Extent of Deviation - Minor – The CAMDS properly moved hazardous waste into permitted storage the majority of the time during this inspection period.

Multi-Day Penalty – Minor-Minor – The kiln was removed the last week of September 2000. A multi-day penalty is appropriate in this case due the length of time that the violation has existed. However; the number of days used to calculate this portion of the penalty will be capped at 180 days so as not to create a penalty that is disproportionate to the violation.

Percent increase/decrease for good faith – N/A

Percent increase/decrease for willfulness/negligence – N/A

Percent increase/decrease for history of compliance/non-compliance – N/A

Percent increase/decrease for other unique factors – N/A

Increase for economic benefit – N/A

**UTAH DIVISION OF SOLID AND HAZARDOUS WASTE
SETTLEMENT PENALTY NARRATIVE**

Deseret Chemical Depot, Chemical Agent Munitions Disposal System, Tooele Chemical Agent Disposal Facility
NOV 0712032

Finding 7.9(a)

Finding Description – The CAMDS failed to maintain a written operating record that accurately records the quantities and locations of each hazardous waste within the facility. During an inspection of the CAMDS facility on January 30, 2007, DSHW inspectors documented several discrepancies in the operating record for permitted storage tanks located in the Brine Drying Area. The discrepancies documented were tanks that showed a negative volume of waste in storage, and incorrect or missing handling codes.

Gravity based penalty from the matrix

(a) Potential for Harm - Moderate – An operating record that does not accurately record the volume of waste stored in tanks could result in tanks being overfilled which could then result in a release of hazardous waste that endangers human health and the environment once it is release from containment.

(b) Extent of Deviation - Minor – The CAMDS maintained an accurate operating record the majority of the time during this inspection period.

Percent increase/decrease for good faith – N/A

Percent increase/decrease for willfulness/negligence – N/A

Percent increase/decrease for history of compliance/non-compliance – 30% increase – Failure to keep an accurate operating record has been a violation in three of the last three NOV's.

Percent increase/decrease for other unique factors – N/A

Increase for economic benefit – N/A

**UTAH DIVISION OF SOLID AND HAZARDOUS WASTE
SETTLEMENT PENALTY NARRATIVE**

Deseret Chemical Depot, Chemical Agent Munitions Disposal System, Tooele Chemical Agent Disposal Facility
NOV 0712032

Finding 7.9(b)

Finding Description - The CAMDS failed to maintain a written operating record that accurately records the quantities and locations of each hazardous waste within the facility. During an inspection of the CAMDS facility on November 20, 2006, DSHW inspectors documented several discrepancies in the operating record for permitted storage areas. These discrepancies included containers of waste that were not in the location indicated and could not be located during the inspection as well as containers of waste that were located somewhere other than the location indicated in the operating record.

Gravity based penalty from the matrix

(a) Potential for Harm - Minor – All the containers of hazardous waste were being properly stored when located. All the containers of hazardous waste were labeled and closed and in good condition.

(b) Extent of Deviation - Minor - The CAMDS maintained an accurate operating record the majority of the time during this inspection period.

Percent increase/decrease for good faith – N/A

Percent increase/decrease for willfulness/negligence – N/A

Percent increase/decrease for history of compliance/non-compliance – 30% increase - Failure to keep an accurate operating record has been a violation in three of the last three NOV's.

Percent increase/decrease for other unique factors – N/A

Increase for economic benefit – N/A

**UTAH DIVISION OF SOLID AND HAZARDOUS WASTE
SETTLEMENT PENALTY NARRATIVE**

Deseret Chemical Depot, Chemical Agent Munitions Disposal System, Tooele Chemical Agent Disposal Facility
NOV 0712032

Finding 7.9(c)

Finding Description - The CAMDS failed to maintain a written operating record that accurately records the quantities and locations of each hazardous waste within the facility. During an inspection of the CAMDS facility on February 14, 2007, a DSHW inspector documented that the CAMDS had not accurately tracked the location of containers of hazardous waste while the waste was in storage. Inspectors documented that handwritten log sheets did not agree with electronic inventory sheets as to the number of containers in storage and the location of the containers of waste.

Gravity based penalty from the matrix

(a) Potential for Harm - Moderate – In this case the inaccurate records caused operators to shut down the chemical agent monitors for a specific area even though containers of waste were still located in the area. The potential for personnel to be accidentally and unexpectedly exposed to hazardous waste is increase by this situation.

(b) Extent of Deviation - Minor - The CAMDS maintained an accurate operating record the majority of the time during this inspection period.

Percent increase/decrease for good faith – N/A

Percent increase/decrease for willfulness/negligence – N/A-

Percent increase/decrease for history of compliance/non-compliance – 30% increase - Failure to keep an accurate operating record has been a violation in three of the last three NOV's.

Percent increase/decrease for other unique factors – N/A

Increase for economic benefit – N/A

**UTAH DIVISION OF SOLID AND HAZARDOUS WASTE
SETTLEMENT PENALTY NARRATIVE**

Deseret Chemical Depot, Chemical Agent Munitions Disposal System, Tooele Chemical Agent Disposal Facility
NOV 0712032

Finding 7.9(d)

Finding Description – The CAMDS failed to ensure that operators performing inspections accurately record the results of their inspections and sign the inspection logs. During the CEI at the CAMDS facility on September 24, 2007, DSHW inspectors documented several inspection logs that had not been filled out completely at the time the inspections were performed. Operators failed to indicate on some logs the areas of the facility that were inspected and failed to sign the logs.

Gravity based penalty from the matrix

(a) Potential for Harm - Minor – Investigation into this incident determined that the inspections had been performed in accordance with the facility permit and that this was a paperwork error only.

(b) Extent of Deviation - Minor - The CAMDS maintained an accurate operating record the majority of the time during this inspection period.

Percent increase/decrease for good faith – N/A

Percent increase/decrease for willfulness/negligence – N/A

Percent increase/decrease for history of compliance/non-compliance – 30% increase - Failure to keep an accurate operating record has been a violation in three of the last three NOVs.

Percent increase/decrease for other unique factors – N/A

Increase for economic benefit – N/A

**UTAH DIVISION OF SOLID AND HAZARDOUS WASTE
SETTLEMENT PENALTY NARRATIVE**

Deseret Chemical Depot, Chemical Agent Munitions Disposal System, Tooele Chemical Agent Disposal Facility
NOV 0712032

Finding 7.10

Finding Description – The CAMDS failed to ensure that containers holding hazardous waste were stored in a manner that would not cause the containers to rupture or leak. During an inspection of permitted hazardous waste storage areas in Buildings 4104 and 4105 on March 22, 2007, a DSHW inspector documented that the lid of a plywood box containing hazardous waste had been crushed by the box stacked on top of it.

Gravity based penalty from the matrix

(a) Potential for Harm - Minor – The waste contained in the box was miscellaneous metal parts and was not in danger of being released to the environment.

(b) Extent of Deviation - Minor – The CAMDS properly stored containers of hazardous waste in compliance with this requirement the majority of the time during this inspection period.

Percent increase/decrease for good faith – N/A

Percent increase/decrease for willfulness/negligence – N/A

Percent increase/decrease for history of compliance/non-compliance – N/A

Percent increase/decrease for other unique factors – N/A

Increase for economic benefit – N/A

UTAH DIVISION OF SOLID AND HAZARDOUS WASTE SETTLEMENT PENALTY NARRATIVE

Deseret Chemical Depot, Chemical Agent Munitions Disposal System, Tooele Chemical Agent Disposal Facility
NOV 0712032

Finding 7.11(a)

Finding Description – The CAMDS failed to properly operate and maintain all facilities and systems of treatment and control which are installed or used by the Permittee to achieve compliance with the conditions of the CAMDS Part B Permit. The CAMDS reported in a letter dated January 31, 2007, (DSHW No. 07.00443) a failure to follow certain procedures. On January 25, 2007, workers began the process of cutting up an agent tank whose surface had been decontaminated. This operation was taking place in the Residual Storage Area. During the operation, an agent alarm occurred and workers were evacuated from the area. During a review of the alarm, it was determined that the operation was not performed in compliance with the process operating procedures which were developed based on the results of a risk assessment.

Gravity based penalty from the matrix

(a) Potential for Harm - Minor – The failure in this case resulted in work being done in the wrong area of the facility. The work should have been performed in an area designed for higher levels of agent. Workers in the area were wearing appropriate PPE at the time of the alarms.

(b) Extent of Deviation - Major – The CAMDS conducted this work in the wrong building.

Percent increase/decrease for good faith – 15% decrease – The CAMDS reported this violation at the time of discovery.

Percent increase/decrease for willfulness/negligence – N/A

Percent increase/decrease for history of compliance/non-compliance – 10% increase – Failure to properly operate and maintain the CAMDS facility has been a violation in one of the last three NOV's.

Percent increase/decrease for other unique factors – N/A

Increase for economic benefit – N/A

**UTAH DIVISION OF SOLID AND HAZARDOUS WASTE
SETTLEMENT PENALTY NARRATIVE**

Deseret Chemical Depot, Chemical Agent Munitions Disposal System, Tooele Chemical Agent Disposal Facility
NOV 0712032

Finding 7.11(b)

Finding Description - The CAMDS failed to properly operate and maintain all facilities and systems of treatment and control which are installed or used by the Permittee to achieve compliance with the conditions of the CAMDS Part B Permit. The CAMDS reported in a letter dated February 8, 2007, (DSHW No. 07.00513) a failure to follow certain procedures. On January 26, 2007, the DCD Information Technology group installed a software patch on the Oracle server. During the time the patch was being installed, the recording of operational data by the server was discontinued, resulting in the loss of some operational data for the Metal Parts Furnace which was incinerating waste at the time of the patch installation. In September of 2006, the CAMDS had developed a procedure to prevent the loss of data during software and hardware upgrades. This procedure was not followed during this event.

Gravity based penalty from the matrix

(a) Potential for Harm - Minor – This incident affected only the recording of data and not the ability of operators to control the Metal Parts Furnace.

(b) Extent of Deviation - Minor - The CAMDS properly operated and maintained the facility the majority of the time during this inspection period.

Percent increase/decrease for good faith – 15% decrease - The CAMDS reported this violation at the time of discovery.

Percent increase/decrease for willfulness/negligence – N/A

Percent increase/decrease for history of compliance/non-compliance – 10% increase - Failure to properly operate and maintain the CAMDS facility has been a violation in one of the last three NOV's.

Percent increase/decrease for other unique factors – N/A

Increase for economic benefit – N/A

**UTAH DIVISION OF SOLID AND HAZARDOUS WASTE
SETTLEMENT PENALTY NARRATIVE**

Deseret Chemical Depot, Chemical Agent Munitions Disposal System, Tooele Chemical Agent Disposal Facility
NOV 0712032

Finding 7.11(c)

Finding Description - The CAMDS failed to properly operate and maintain all facilities and systems of treatment and control which are installed or used by the Permittee to achieve compliance with the conditions of the CAMDS Part B Permit including following appropriate quality assurance procedures. During inspections of the CAMDS facility on February 8, 2007, and on September 24, 2007, a DSHW inspector documented 13 occasions where the CAMDS had failed to follow quality assurance procedures by having a supervisor or quality control representative sign and date sample line test data sheets.

Gravity based penalty from the matrix

(a) Potential for Harm - Moderate – The CAMDS has indicated that monitoring supervisors have taken up to 60 days to review sample line challenges. Failure to have these data sheets reviewed as quickly as possible could result in a failure to notice and correct operators that are not doing an adequate job testing sample lines that are used to transfer air samples to instruments that are monitoring the air for the presence of chemical agents.

(b) Extent of Deviation - Minor – The majority of the sample line test data sheets reviewed by inspectors during this inspection period were signed by appropriate personnel.

Percent increase/decrease for good faith – N/A

Percent increase/decrease for willfulness/negligence – N/A

Percent increase/decrease for history of compliance/non-compliance – 10% increase - Failure to properly operate and maintain the CAMDS facility has been a violation in one of the last three NOV's.

Percent increase/decrease for other unique factors – N/A

Increase for economic benefit – N/A

**UTAH DIVISION OF SOLID AND HAZARDOUS WASTE
SETTLEMENT PENALTY NARRATIVE**

Deseret Chemical Depot, Chemical Agent Munitions Disposal System, Tooele Chemical Agent Disposal Facility
NOV 0712032

Finding 7.12(a) and (b)

Finding Description – The CAMDS failed to comply with the Security Procedures contained in Attachment 4 to the CAMDS Part B Permit. During an inspection of the CAMDS facility on July 5, 2007, a DSHW inspector documented that the Explosives Treatment Facility Permitted Storage Area was not secured as required. During an inspection of the CAMDS facility on January 30, 2007, DSHW inspectors documented that a door into the Metal Parts Furnace permitted storage area was not secured as required.

Gravity based penalty from the matrix

(a) Potential for Harm - Minor - The CAMDS facility is located well inside the Deseret Chemical Depot which is fenced and secured. Containers of hazardous waste located inside the areas were being managed properly. All containers were closed, labeled and dated.

(b) Extent of Deviation - Minor - The CAMDS was in compliance with the requirement to secure permitted storage areas the majority of the time during this inspection period.

Multi-Event Penalty – This finding documents two separate occasions where the CAMDS failed to follow security procedures by ensuring that all doors to permitted hazardous waste storage areas were locked.

Percent increase/decrease for good faith – N/A

Percent increase/decrease for willfulness/negligence – N/A

Percent increase/decrease for history of compliance/non-compliance – 10% increase – Failure to follow security procedures has been a violation in one of the last three NOV's.

Percent increase/decrease for other unique factors – N/A

Increase for economic benefit – N/A

UTAH DIVISION OF SOLID AND HAZARDOUS WASTE SETTLEMENT PENALTY NARRATIVE

Deseret Chemical Depot, Chemical Agent Munitions Disposal System, Tooele Chemical Agent Disposal Facility
NOV 0712032

Finding 7.13

Finding Description – The CAMDS failed to follow the Inspection Procedures contained in Attachment 5 to the CAMDS Part B Permit. During the CEI at the CAMDS facility on September 24, 2007, DSHW inspectors reviewed documentation that the sump in the Toxic Maintenance Facility was being inspected visually through an observation window. Inspectors observed the sump in the Toxic Maintenance Facility and determined that it could not be inspected through the observation window for cracks and physical damage because it was not possible to see the sump adequately.

Gravity based penalty from the matrix

(a) Potential for Harm - Moderate - Failure to follow inspection procedures could result in undocumented deterioration of equipment and systems leading to increased potential for releases of hazardous waste due to equipment failure. Inspection logs reviewed by DSHW inspectors indicating that inspections have been done properly when they haven't give a false sense of the status of a facility and harm the ability of the Executive Secretary to determine compliance with requirements.

(b) Extent of Deviation - Minor – The CAMDS appears to have been in compliance with inspection procedures the majority of the time during this inspection period.

Percent increase/decrease for good faith – N/A

Percent increase/decrease for willfulness/negligence – 20% increase – Although the inspections were being conducted by inspecting through the observation window it was not possible to view all the items listed on the inspection checklist.

Percent increase/decrease for history of compliance/non-compliance – 20% increase – Failure to follow inspection procedures has been a violation in two of the last three NOVs.

Percent increase/decrease for other unique factors – N/A

Increase for economic benefit – N/A

**UTAH DIVISION OF SOLID AND HAZARDOUS WASTE
SETTLEMENT PENALTY NARRATIVE**

Deseret Chemical Depot, Chemical Agent Munitions Disposal System, Tooele Chemical Agent Disposal Facility
NOV 0712032

Finding 7.14(a), (b), (c), (d)

Finding Description – The CAMDS failed to analyze DAAMS tubes monitoring the HVAC stack on every occasion when the Near Real Time (NRT) monitors were off-line for more than five cycles. In letters submitted to the Executive Secretary the CAMDS reported the incidents listed in the table below where the CAMDS failed to comply with the requirement to analyze the DAAMS tubes.

Letter Date	Incident Date	Station Number
March 26, 2007	March 12, 2007	411 G/VX
April 16, 2007	March 31, 2007	575 GB/VX
May 31, 2007	May 24, 2007	550 H
August 7, 2007	July 24, 2007	413

Gravity based penalty from the matrix

(a) Potential for Harm - Minor - The DAAMS tubes are used to confirm that there was not a release of agent during the time period that the NRT monitor was off-line. When the tubes were pulled and analyzed on their regular schedule no agent was detected.

(b) Extent of Deviation - Minor - The CAMDS appears to have been in compliance with this requirement the majority of the time during this inspection period.

Multi-Event Penalty – This finding documents four separate occasions where the CAMDS failed to analyze DAAMS tubes when HVAC Stack NRT monitors are off-line for more than five cycles.

Percent increase/decrease for good faith – 15% decrease – The CAMDS reported these violations at the time of discovery.

Percent increase/decrease for willfulness/negligence – N/A

Percent increase/decrease for history of compliance/non-compliance – 20% increase – Failure to analyze DAAMS tubes when HVAC Stack NRT monitors are off-line for more than five cycles has been a violation in two of the last three NOV's.

Percent increase/decrease for other unique factors – N/A

Increase for economic benefit – N/A

**UTAH DIVISION OF SOLID AND HAZARDOUS WASTE
SETTLEMENT PENALTY NARRATIVE**

Deseret Chemical Depot, Chemical Agent Munitions Disposal System, Tooele Chemical Agent Disposal Facility
NOV 0712032

Finding 7.15

Finding Description – The CAMDS failed to maintain Zone 2 of the Metal Parts Furnace at or above 1258°F on an instantaneous basis. The CAMDS reported in letters dated January 22, 23, and February 7, 2007, (DSHW Nos. 07.00334, 07.00337, 07.00516) that on January 10, 22, and 27, 2007, the temperature in Zone Two of the Metal Parts Furnace Primary Combustion Chamber dropped below the minimum required temperature.

Gravity based penalty from the matrix

(a) Potential for Harm - Minor – The Metal Parts Furnace was operating in control at the time of each of these incidents. The reason for the temperature dropping was a cold ton container was being returned to Zone 2 of the Metal Parts Furnace for additional processing following an alarm in the cool down area.

(b) Extent of Deviation - Minor – The CAMDS was able to maintain the temperature in Zone 2 of the Metal Parts Furnace as required the majority of the time during this inspection period.

Multi-Event Penalty – This finding documents three separate occasions where the CAMDS failed to maintain the Zone 2 temperature in the Metal Parts Furnace.

Percent increase/decrease for good faith – 15% decrease – The CAMDS reported these violations at the time of discovery.

Percent increase/decrease for willfulness/negligence – N/A

Percent increase/decrease for history of compliance/non-compliance – N/A

Percent increase/decrease for other unique factors – N/A

Increase for economic benefit – N/A

**UTAH DIVISION OF SOLID AND HAZARDOUS WASTE
SETTLEMENT PENALTY NARRATIVE**

Deseret Chemical Depot, Chemical Agent Munitions Disposal System, Tooele Chemical Agent Disposal Facility
NOV 0712032

Finding 7.16

Finding Description – The CAMDS failed to maintain the clear liquor to the scrubber tower of the Metal Parts Furnace Pollution Abatement System at a pH of 9.44 or above on an hourly rolling average basis. The CAMDS reported in a letter dated February 7, 2007, (DSHW No. 07.00516) that on January 27, 2007, the clear liquor pH for the Metal Parts Furnace Pollution Abatement System dropped below the minimum value required.

Gravity based penalty from the matrix

(a) Potential for Harm - Minor – The pH dropped to a value of 9.36 for a period of 39 minutes.

(b) Extent of Deviation - Minor – The CAMDS was in compliance with the requirement to maintain the pH of the clean liquor the majority of the time during this inspection period.

Percent increase/decrease for good faith – 15% decrease – The CAMDS reported this violation at the time of discovery.

Percent increase/decrease for willfulness/negligence – N/A

Percent increase/decrease for history of compliance/non-compliance – N/A

Percent increase/decrease for other unique factors – N/A

Increase for economic benefit – N/A

UTAH DIVISION OF SOLID AND HAZARDOUS WASTE SETTLEMENT PENALTY NARRATIVE

Deseret Chemical Depot, Chemical Agent Munitions Disposal System, Tooele Chemical Agent Disposal Facility
NOV 0712032

Finding 7.17

Finding Description – The CAMDS failed to challenge all agent monitoring stations on a daily basis as required by the CAMDS Part B Permit. The CAMDS reported in a letter dated October 18, 2006, (DSHW No. 06.03395) that on May 24, 2006, Monitoring Station 281 was not challenged.

Gravity based penalty from the matrix

(a) Potential for Harm - Minor – The monitor that was not challenged was operating correctly on the day that the challenge was missed.

(b) Extent of Deviation - Minor – The CAMDS was in compliance with this permit requirement the majority of the time during this inspection period.

Percent increase/decrease for good faith – 15% decrease – The CAMDS reported this violation at the time of discovery.

Percent increase/decrease for willfulness/negligence – N/A

Percent increase/decrease for history of compliance/non-compliance – N/A

Percent increase/decrease for other unique factors – N/A

Increase for economic benefit – N/A

UTAH DIVISION OF SOLID AND HAZARDOUS WASTE SETTLEMENT PENALTY NARRATIVE

Deseret Chemical Depot, Chemical Agent Munitions Disposal System, Tooele Chemical Agent Disposal Facility
NOV 0712032

Finding 7.18, 7.22, 7.23, 7.24

Finding Description – The CAMDS failed to ensure that all agent monitoring stations had their sample lines challenged every 60 (± 5) days. The CAMDS reported in a letter dated October 18, 2006, (DSHW No. 06.03398) that two monitoring stations, 428 and 429, had their sample lines challenged 28 days after the 65th day. The CAMDS reported in a letter dated September 11, 2007, (DSHW No. 07.02820) four perimeter monitoring stations had their sample line challenges performed five days after the 65th day. During the CEI at the CAMDS facility on September 24, 2007, a DSHW inspector reviewing monitoring records documented 31 occasions where sample line challenges were either performed late or were missed completely. During the CEI at the CAMDS facility on September 24, 2007, a DSHW inspector reviewing monitoring records documented that no sample line challenges had been performed for any of the ten Lewisite monitoring stations for at least one year.

Gravity based penalty from the matrix

(a) Potential for Harm - Moderate – The purpose of the sample line challenge is to ensure that chemical agent can travel down the sample line to the monitoring equipment. If a sample line becomes blocked, broken or damaged in some way so that agent could not travel down the line or the sample is not being pulled from the intended location the monitoring instruments will not have correct readings. Without correct readings workers could be exposed to chemical agent or chemical agent could be released without the knowledge of the facility.

(b) Extent of Deviation - Major – A significant number of sample line challenges were performed late. In addition, the sample line challenges for the Lewisite monitoring stations were not performed at all.

Percent increase/decrease for good faith – 15% decrease – The CAMDS reported six of these violations at the time of discovery.

Percent increase/decrease for willfulness/negligence – N/A

Percent increase/decrease for history of compliance/non-compliance – 20% increase – Failure to perform sample line challenges as required has been a violation in two of the last three NOV's.

Percent increase/decrease for other unique factors – N/A

Increase for economic benefit – N/A

**UTAH DIVISION OF SOLID AND HAZARDOUS WASTE
SETTLEMENT PENALTY NARRATIVE**

Deseret Chemical Depot, Chemical Agent Munitions Disposal System, Tooele Chemical Agent Disposal Facility
NOV 0712032

Finding 7.19

Finding Description – The CAMDS failed to challenge all Near Real Time (NRT) monitors at the hazard level. During an inspection of the CAMDS facility on November 16, 2006, a DSHW inspector documented that for 15 days, the CAMDS had been using an incorrect challenge solution for the instrument monitoring the Metal Parts Furnace stack. Use of this incorrect solution resulted in the instrument not being challenged at the hazard level.

Gravity based penalty from the matrix

(a) Potential for Harm - Minor – Use of an incorrect solution to challenge (test) an agent monitor would result in the monitor being calibrated to the incorrect alarm level. This would cause the monitor to go into alarm at a lower or higher level depending on which way the solution is biased, a higher agent concentration would result in the instrument being set lower and a lower concentration would result in the instrument being set higher. However; in this case no waste was processed in the Metal Parts Furnace during the time period that the incorrect solution was in use.

(b) Extent of Deviation - Minor – The CAMDS used the correct solutions the majority of the time during this inspection period.

Percent increase/decrease for good faith – N/A

Percent increase/decrease for willfulness/negligence – N/A

Percent increase/decrease for history of compliance/non-compliance – N/A

Percent increase/decrease for other unique factors – N/A

Increase for economic benefit – N/A

**UTAH DIVISION OF SOLID AND HAZARDOUS WASTE
SETTLEMENT PENALTY NARRATIVE**

Deseret Chemical Depot, Chemical Agent Munitions Disposal System, Tooele Chemical Agent Disposal Facility
NOV 0712032

Finding 7.20

Finding Description – The CAMDS failed to monitor all Category C areas with both Near Real Time monitors and DAAMS tubes. The CAMDS reported in a letter dated February 9, 2007, (DSHW No. 07.00514) that on February 1, 2007, Near Real Time monitoring of the Bulk Item Facility was discontinued. However, monitoring personnel were not aware that ten drums of hazardous waste were being stored in the area. On February 6, 2007, monitoring was restored to the area when it was learned by monitoring personnel that waste was being stored in the area.

Gravity based penalty from the matrix

(a) Potential for Harm - Moderate – The removal of the Near Real Time monitors from an active area could have resulted in personnel working in the area without monitoring in place that would warn them of a release of chemical agent so that corrective actions could be taken to prevent exposure.

(b) Extent of Deviation - Minor – The CAMDS monitored all areas of the facility in accordance with the CAMDS Part B Permit the majority of the time during this inspection period.

Percent increase/decrease for good faith – 15% decrease – The CAMDS reported this violation at the time of discovery.

Percent increase/decrease for willfulness/negligence – N/A

Percent increase/decrease for history of compliance/non-compliance – N/A

Percent increase/decrease for other unique factors – N/A

Increase for economic benefit – N/A

**UTAH DIVISION OF SOLID AND HAZARDOUS WASTE
SETTLEMENT PENALTY NARRATIVE**

Deseret Chemical Depot, Chemical Agent Munitions Disposal System, Tooele Chemical Agent Disposal Facility
NOV 0712032

Finding 7.21

Finding Description – The CAMDS failed to ensure that all activities at perimeter monitoring stations were documented in logbooks. The CAMDS reported in a letter dated May 23, 2007, (DSHW No. 07.01672) that following an upset condition that required the DAAMS tubes from perimeter monitoring stations to be pulled and analyzed was not documented in perimeter logbooks as required.

Gravity based penalty from the matrix

(a) Potential for Harm - Minor – This was a paperwork error on the part of the operators. The DAAMS tubes were pulled and analyzed correctly and no agent was detected.

(b) Extent of Deviation - Minor – The CAMDS recorded activities at perimeter monitoring stations correctly the majority of the time during this inspection period.

Percent increase/decrease for good faith – 15% decrease – The CAMDS reported this violation at the time of discovery.

Percent increase/decrease for willfulness/negligence – N/A

Percent increase/decrease for history of compliance/non-compliance – N/A

Percent increase/decrease for other unique factors – N/A

Increase for economic benefit – N/A

**UTAH DIVISION OF SOLID AND HAZARDOUS WASTE
SETTLEMENT PENALTY NARRATIVE**

Deseret Chemical Depot, Chemical Agent Munitions Disposal System, Tooele Chemical Agent Disposal Facility
NOV 0712032

Finding 7.25

Finding Description – The CAMDS failed to inspect the Uninterruptible Power Supply (UPS) systems for perimeter monitoring stations on a daily basis and record the results of the inspections in the station logbooks. During an inspection of the CAMDS facility and perimeter monitoring stations on June 11, 2007, a DSHW inspector documented five perimeter stations where operators had not documented the results of daily inspections of the Uninterruptible Power Supply systems as required.

Gravity based penalty from the matrix

(a) Potential for Harm - Moderate – The purpose of the UPS is to keep the monitors operating in the event of a power failure. Several times in the past power has been lost completely to perimeter monitoring stations because the UPS failed during a power outage. When power is lost completely a release of chemical agent could go undetected.

(b) Extent of Deviation - Major - For each of the five stations inspected, there was only one inspection documented for the past year.

Percent increase/decrease for good faith – N/A

Percent increase/decrease for willfulness/negligence – N/A

Percent increase/decrease for history of compliance/non-compliance – N/A

Percent increase/decrease for other unique factors – N/A

Increase for economic benefit – N/A

UTAH DIVISION OF SOLID AND HAZARDOUS WASTE SETTLEMENT PENALTY NARRATIVE

Deseret Chemical Depot, Chemical Agent Munitions Disposal System, Tooele Chemical Agent Disposal Facility
NOV 0712032

Finding 7.26

Finding Description – The CAMDS failed to change the NOx filters on the perimeter monitoring stations every 14 days. During an inspection of the CAMDS facility and perimeter monitoring stations on June 11, 2007, a DSHW inspector documented four perimeter stations where operators had failed to change the NOx filters in accordance with the schedule. During the CEI at the CAMDS facility on September 24, 2007, a DSHW inspector reviewing monitoring documented an additional 49 occasions where operators failed to change the NOx filters according to schedule. Some of the filters were changed up to 19 days late.

Gravity based penalty from the matrix

(a) Potential for Harm - Moderate - When NOx filters are not changed according to the required frequency, the potential for alarms from interferences is increased.

(b) Extent of Deviation - Minor – The CAMDS changed the NOx filters on the perimeter monitoring stations on schedule the majority of the time during this inspection period.

Percent increase/decrease for good faith – N/A

Percent increase/decrease for willfulness/negligence – N/A

Percent increase/decrease for history of compliance/non-compliance – 10% increase – Failure to change NOx filters according to the required schedule has been a violation in one of the last three NOVs.

Percent increase/decrease for other unique factors – N/A

Increase for economic benefit – N/A

**UTAH DIVISION OF SOLID AND HAZARDOUS WASTE
SETTLEMENT PENALTY NARRATIVE**

Deseret Chemical Depot, Chemical Agent Munitions Disposal System, Tooele Chemical Agent Disposal Facility
NOV 0712032

Finding 7.27

Finding Description – The CAMDS failed to obtain approval from the Executive Secretary prior to using an agent lot not listed in the permit for making multi-agent cocktails. During an inspection of the CAMDS facility and perimeter monitoring stations on June 11, 2007, a DSHW inspector documented that the CAMDS had been using cocktail standards for challenging multi-agent monitors that had been made from agent lots that had not been approved by the Executive Secretary.

Gravity based penalty from the matrix

(a) Potential for Harm - Minor – The CAMDS stopped use of the agent lot in question and submitted a request for approval of the agent lot. This approval was eventually granted.

(b) Extent of Deviation - Minor – The CAMDS personnel used an agent lot that was acceptable but had not been presented to the Executive Secretary for approval.

Percent increase/decrease for good faith – N/A

Percent increase/decrease for willfulness/negligence – N/A

Percent increase/decrease for history of compliance/non-compliance – N/A

Percent increase/decrease for other unique factors – N/A

Increase for economic benefit – N/A

**UTAH DIVISION OF SOLID AND HAZARDOUS WASTE
SETTLEMENT PENALTY NARRATIVE**

Deseret Chemical Depot, Chemical Agent Munitions Disposal System, Tooele Chemical Agent Disposal Facility
NOV 0712032

Finding 7.28

Finding Description – The CAMDS failed to ensure that all monitoring records were legible and accurate. During an inspection of the CAMDS facility on February 8, 2007, a DSHW inspector documented that on June 1, 2006, an operator incorrectly documented the changing of V to G conversion pad on Station 184VX by entering the information regarding the change in the logbook for Station 162VX.

Gravity based penalty from the matrix

(a) Potential for Harm - Minor – This was a paperwork error on the part of the operator. For stations with multiple monitors the CAMDS has sectioned log books. The operator in this case recorded the information in the wrong section of the log book.

(b) Extent of Deviation - Minor – The CAMDS maintained legible and accurate monitoring records the majority of the time during this inspection period.

Percent increase/decrease for good faith – N/A

Percent increase/decrease for willfulness/negligence – N/A

Percent increase/decrease for history of compliance/non-compliance – N/A

Percent increase/decrease for other unique factors – N/A

Increase for economic benefit – N/A

**UTAH DIVISION OF SOLID AND HAZARDOUS WASTE
SETTLEMENT PENALTY NARRATIVE**

Deseret Chemical Depot, Chemical Agent Munitions Disposal System, Tooele Chemical Agent Disposal Facility
NOV 0712032

Finding 7.29

Finding Description – The CAMDS failed to bracket sample line challenge samples with quality control samples before and after analyzing the samples. During an inspection of the CAMDS facility on February 8, 2007, a DSHW inspector documented that the laboratory had failed on several occasions to bracket sample line challenges as required.

Gravity based penalty from the matrix

(a) Potential for Harm - Moderate – The bracketing of samples with quality control samples is a check on the instrument used to analyze the samples. Failure to perform this check could result in an instrument being out of control and reporting incorrect data without the operator being aware of the problem.

(b) Extent of Deviation - Minor – The CAMDS appears to have complied with this requirement the majority of the time during this inspection period.

Percent increase/decrease for good faith – N/A

Percent increase/decrease for willfulness/negligence – N/A

Percent increase/decrease for history of compliance/non-compliance – N/A

Percent increase/decrease for other unique factors – N/A

Increase for economic benefit – N/A

**UTAH DIVISION OF SOLID AND HAZARDOUS WASTE
SETTLEMENT PENALTY NARRATIVE**

Deseret Chemical Depot, Chemical Agent Munitions Disposal System, Tooele Chemical Agent Disposal Facility
NOV 0712032

Finding 7.30

Finding Description – The CAMDS failed to record the start flow information on chain-of-custody tags for DAAMS tubes. During an inspection of the CAMDS facility on February 8, 2007, a DSHW inspector documented that on that date an operator failed to complete the chain-of-custody tag for DAAMS tubes on Station 155 GB/VX by failing to record the start flow information as required. During an audit of the CAMDS laboratory on September 24 and 25, 2007, DSHW inspectors also documented an occasion where an operator failed, on March 7, 2007, to record the start flow information for Station 1735.

Gravity based penalty from the matrix

(a) Potential for Harm - Minor – These are paperwork errors on the part of the equipment operators. The incident in February was observed by a DSHW inspector and the operator performed the job according to procedures but failed to write down all the required information.

(b) Extent of Deviation - Minor – The CAMDS was in compliance with the chain-of-custody requirements for DAAMS tubes the majority of the time during this inspection period.

Multi-Event Penalty – This finding documents two separate occasions where the CAMDS failed to record the start flow information as required.

Percent increase/decrease for good faith – N/A

Percent increase/decrease for willfulness/negligence – N/A

Percent increase/decrease for history of compliance/non-compliance – 10% increase – Failure to record all required information related to DAAMS tubes has been a violation in one of the past three NOVs.

Percent increase/decrease for other unique factors – N/A

Increase for economic benefit – N/A

**UTAH DIVISION OF SOLID AND HAZARDOUS WASTE
SETTLEMENT PENALTY NARRATIVE**

Deseret Chemical Depot, Chemical Agent Munitions Disposal System, Tooele Chemical Agent Disposal Facility
NOV 0712032

Finding 7.31

Finding Description – The CAMDS failed to re-challenge sample lines immediately when challenges failed. During an inspection of the CAMDS facility on February 8, 2007, a DSHW inspector documented eight occasions where DAAMS station line challenges failed but the lines were not immediately re-challenged as required. Inspectors documented that the sample lines were not re-challenged until the next time the challenge was required.

Gravity based penalty from the matrix

(a) Potential for Harm - Moderate – When a sample line challenge fails it indicates that something may be wrong with the sampling system. Problems with agent sampling systems could result in a failure to detect the presence of chemical agent. The majority of the DAAMS stations had co-located Near Real Time monitors which were operating correctly during the failed line challenges. However; one of the stations was used to determine if laundry was free of chemical agent so that workers not wearing protective equipment could handle the laundry without it having to be further treated.

(b) Extent of Deviation - Minor – The CAMDS appears to have been in compliance with the line challenging requirements the majority of the time during this inspection period.

Percent increase/decrease for good faith – N/A

Percent increase/decrease for willfulness/negligence – N/A

Percent increase/decrease for history of compliance/non-compliance – 10% increase – Failure to take appropriate and required action when sample line challenges failed has been a violation in one of the last three NOVs.

Percent increase/decrease for other unique factors – N/A

Increase for economic benefit – N/A

**UTAH DIVISION OF SOLID AND HAZARDOUS WASTE
SETTLEMENT PENALTY NARRATIVE**

Deseret Chemical Depot, Chemical Agent Munitions Disposal System, Tooele Chemical Agent Disposal Facility
NOV 0712032

Finding 7.32

Finding Description – The CAMDS failed to follow proper documentation procedures. During an audit of the CAMDS laboratory on September 24 and 25, 2007, DSHW inspectors identified failures to document corrections to data with single line cross outs and initials. CAMDS personnel also failed to document corrective actions on reports.

Gravity based penalty from the matrix

(a) Potential for Harm - Minor – These failures appear to have been only documentation errors. There was no evidence to suggest that laboratory personnel failed to follow the correct analytical procedures associated with the errors identified by DSHW inspectors.

(b) Extent of Deviation - Minor – The CAMDS followed documentation procedures the majority of the time during this inspection period.

Percent increase/decrease for good faith – N/A

Percent increase/decrease for willfulness/negligence – N/A

Percent increase/decrease for history of compliance/non-compliance – N/A

Percent increase/decrease for other unique factors – N/A

Increase for economic benefit – N/A

**UTAH DIVISION OF SOLID AND HAZARDOUS WASTE
SETTLEMENT PENALTY NARRATIVE**

Deseret Chemical Depot, Chemical Agent Munitions Disposal System, Tooele Chemical Agent Disposal Facility
NOV 0712032

Finding 7.33

Finding Description – The CAMDS failed to ensure that all personnel accurately document sample line tests. During the CEI at the CAMDS facility on September 24, 2007, a DSHW inspector documented that on September 19, 2007, a monitoring technician conducting a sample line test on Station 905 failed to document whether the leak test had passed or failed and whether the restriction had passed or failed.

Gravity based penalty from the matrix

(a) Potential for Harm - Minor – This was a paperwork error on the part of the operator. The documentation shows that the test was conducted but the data sheet was not filled out completely.

(b) Extent of Deviation - Minor – The CAMDS filled out sample line test data sheets completely the majority of the time during this inspection period.

Percent increase/decrease for good faith – N/A

Percent increase/decrease for willfulness/negligence – N/A

Percent increase/decrease for history of compliance/non-compliance – N/A

Percent increase/decrease for other unique factors – N/A

Increase for economic benefit – N/A

**UTAH DIVISION OF SOLID AND HAZARDOUS WASTE
SETTLEMENT PENALTY NARRATIVE**

Deseret Chemical Depot, Chemical Agent Munitions Disposal System, Tooele Chemical Agent Disposal Facility
NOV 0712032

Finding 7.34

Finding Description – The CAMDS failed to ensure that a successful sample line challenge was performed on each Near Real Time monitor once every 24 hours. During the CEI at the CAMDS facility on September 24, 2007, a DSHW inspector documented that on May 2 and May 7, 2007, monitoring technicians failed to get a passing line challenge on Near Real Time monitoring Station 281G. When the line challenges failed, the line was not re-challenged and repaired as necessary to achieve a successful challenge until the next time the line was challenged 16 to 20 hours later.

Gravity based penalty from the matrix

(a) Potential for Harm - Penalty – N/A

(b) Extent of Deviation - Penalty – N/A

Percent increase/decrease for good faith – N/A

Percent increase/decrease for willfulness/negligence – N/A

Percent increase/decrease for history of compliance/non-compliance – N/A

Percent increase/decrease for other unique factors – Upon review of additional information submitted by the CAMDS it was determined that monitor 281G was not in use for monitoring at the time and was being used to train new operators. No penalty will be collected.

Increase for economic benefit – N/A

**UTAH DIVISION OF SOLID AND HAZARDOUS WASTE
SETTLEMENT PENALTY NARRATIVE**

Deseret Chemical Depot, Chemical Agent Munitions Disposal System, Tooele Chemical Agent Disposal Facility
NOV 0712032

Finding 7.35

Finding Description – The CAMDS failed to ensure that the GA and Lewisite igloos were monitored at least twice weekly. During the CEI at the CAMDS facility on September 24, 2007, a DSHW inspector reviewing monitoring records documented that during the week of June 19 to June 24, 2007, one of the two Lewisite igloos was monitored only once. During the week of July 29 to August 4, 2007, one of the two Lewisite igloos was never monitored and the other was only monitored once. During the week of September 16 to September 22, 2007, the GA igloo and one of the Lewisite igloos were only monitored once each.

Gravity based penalty from the matrix

(a) Potential for Harm – N/A

(b) Extent of Deviation – N/A

Percent increase/decrease for good faith – N/A

Percent increase/decrease for willfulness/negligence – N/A

Percent increase/decrease for history of compliance/non-compliance – N/A

Percent increase/decrease for other unique factors – During further investigation into this finding additional documentation was discovered showing that monitoring of the GA and Lewisite igloos was performed in accordance with the permit requirements. Based on this additional review the Executive Secretary has determined that no violation occurred and no penalty will be collected.

Increase for economic benefit – N/A

**UTAH DIVISION OF SOLID AND HAZARDOUS WASTE
SETTLEMENT PENALTY NARRATIVE**

Deseret Chemical Depot, Chemical Agent Munitions Disposal System, Tooele Chemical Agent Disposal Facility
NOV 0712032

Finding 7.36

Finding Description – The CAMDS failed to ensure that employees using permit controlled procedures were using the correct versions. During the CEI at the CAMDS facility on September 24, 2007, a DSHW inspector documented that the incorrect versions of nine procedures contained in Appendix B to the CAMDS Site Laboratory and Monitoring Quality Control Plan were being used by employees at the facility.

Gravity based penalty from the matrix

(a) Potential for Harm - Moderate – One of the procedures in question was a laboratory procedure for analysis of waste. Depending on the changes made to a procedure, use of an old version could result incorrect analysis of waste that then could be improperly disposed.

(b) Extent of Deviation - Moderate – There are 26 procedures listed in Appendix B. The nine incorrect versions being used account for over 1/3 of these.

Percent increase/decrease for good faith – N/A

Percent increase/decrease for willfulness/negligence – N/A

Percent increase/decrease for history of compliance/non-compliance – N/A

Percent increase/decrease for other unique factors – N/A

Increase for economic benefit – N/A

UTAH DIVISION OF SOLID AND HAZARDOUS WASTE SETTLEMENT PENALTY NARRATIVE

Deseret Chemical Depot, Chemical Agent Munitions Disposal System, Tooele Chemical Agent Disposal Facility
NOV 0712032

Finding 7.37

Finding Description – The CAMDS failed to place hazardous waste into permitted storage areas. During an inspection of Building 4104, a permitted hazardous waste storage area, on August 21, 2007, a DSHW inspector documented seven roll-off boxes containing hazardous waste that had been returned to the facility by a commercial treatment, storage and disposal facility. These seven containers had not been placed back into the permitted storage area as required but were on the side of the street outside Building 4104. The boxes remained in this location from July 30, 2007, to August 21, 2007.

Gravity based penalty from the matrix

(a) Potential for Harm - Minor – The roll-off boxes were covered, closed and labeled while they were located on the side of the street.

(b) Extent of Deviation - Minor – The CAMDS placed the majority of the hazardous waste located at the facility into permitted storage as required.

Percent increase/decrease for good faith – N/A

Percent increase/decrease for willfulness/negligence – N/A

Percent increase/decrease for history of compliance/non-compliance – N/A

Percent increase/decrease for other unique factors – N/A

Increase for economic benefit – N/A

**UTAH DIVISION OF SOLID AND HAZARDOUS WASTE
SETTLEMENT PENALTY NARRATIVE**

Deseret Chemical Depot, Chemical Agent Munitions Disposal System, Tooele Chemical Agent Disposal Facility
NOV 0712032

Finding 7.38

Finding Description – The CAMDS failed to ensure that all monitoring was working properly (operating in-control) when processing was taking place in a given area of the facility. The CAMDS reported in a letter dated November 16, 2006, (DSHW No. 06.03752) that on November 15, 2006, all Near Real Time monitors associated with the Metal Parts Furnace were off-line because personnel working on the Liquid Incinerator closure had shut off the instrument air. Waste was being processed in the incinerator at the time.

Gravity based penalty from the matrix

(a) Potential for Harm - Minor – The waste being processed in the Metal Parts Furnace at the time of the incident had been previously decontaminated with a decontamination solution. The monitoring system was only out of operation for approximately 30 minutes.

(b) Extent of Deviation - Minor – The CAMDS had monitors operating in control the majority of the time during waste processing during this inspection period.

Percent increase/decrease for good faith – 15% decrease – The CAMDS reported this violation at the time of discovery.

Percent increase/decrease for willfulness/negligence – 15% increase – Prior to shutting off any plant systems operators should have reviewed drawings to determine if the work to be performed would affect equipment outside the area.

Percent increase/decrease for history of compliance/non-compliance – N/A

Percent increase/decrease for other unique factors – N/A

Increase for economic benefit – N/A

**UTAH DIVISION OF SOLID AND HAZARDOUS WASTE
SETTLEMENT PENALTY NARRATIVE**

Deseret Chemical Depot, Chemical Agent Munitions Disposal System, Tooele Chemical Agent Disposal Facility
NOV 0712032

Finding 7.39

Finding Description – The CAMDS failed to ensure continuous monitoring of the Metal Parts Furnace stack. The CAMDS reported in a letter dated November 28, 2006, (DSHW No. 06.03755) that on November 27, 2006, the monitors at Station 15, which monitors the Metal Parts Furnace stack, were off-line for approximately 40 minutes.

Gravity based penalty from the matrix

(a) Potential for Harm - Minor – The DAAMS tube station associated with the Near Real Time monitor was operating during the 40 minute time period. The DAAMS tubes were analyzed and no agent was detected.

(b) Extent of Deviation - Minor – The CAMDS had continuous monitoring on the Metal Parts Furnace stack the majority of the time during this inspection period.

Percent increase/decrease for good faith – 15% decrease – The CAMDS reported this violation at the time of discovery.

Percent increase/decrease for willfulness/negligence – N/A

Percent increase/decrease for history of compliance/non-compliance – N/A

Percent increase/decrease for other unique factors – N/A

Increase for economic benefit – N/A

**UTAH DIVISION OF SOLID AND HAZARDOUS WASTE
SETTLEMENT PENALTY NARRATIVE**

Deseret Chemical Depot, Chemical Agent Munitions Disposal System, Tooele Chemical Agent Disposal Facility
NOV 0712032

Finding 7.40

Finding Description – The CAMDS failed to submit to the Executive Secretary a copy of the Monthly Site Monitoring Plan. The CAMDS reported in a memo received by the DSHW on February 13, 2007, dated February 6, 2007, (DSHW No. 07.00579) the failure to submit the Monthly Site Monitoring Plan for January 2007.

Gravity based penalty from the matrix

(a) Potential for Harm - Minor – Even though the CAMDS failed to submit the plan it was developed and available at the site for review.

(b) Extent of Deviation - Minor – The CAMDS submitted the Monthly Site Monitoring Plan according to schedule the majority of the time during this inspection period.

Percent increase/decrease for good faith – 15% decrease – The CAMDS reported this violation at the time of discovery.

Percent increase/decrease for willfulness/negligence – N/A

Percent increase/decrease for history of compliance/non-compliance – N/A

Percent increase/decrease for other unique factors – N/A

Increase for economic benefit – N/A

**UTAH DIVISION OF SOLID AND HAZARDOUS WASTE
SETTLEMENT PENALTY NARRATIVE**

Deseret Chemical Depot, Chemical Agent Munitions Disposal System, Tooele Chemical Agent Disposal Facility
NOV 0712032

Finding 7.41

Finding Description – The CAMDS failed to sound the site masking alarm each time the HVAC Filter Stack Near Real Time monitor alarmed. During an inspection of the CAMDS facility on February 14, 2007, a DSHW inspector documented that on January 25, 2007, and again on February 14, 2007, agent alarms occurred at the facility but the site masking alarm was not sounded.

Gravity based penalty from the matrix

(a) Potential for Harm - Moderate – The site masking alarm is sounded to warn site personnel that there may have been a release of chemical agent into the atmosphere so that they can don protective gear and take steps to prevent possible exposure. Failure to sound the alarm increases the risk of human exposure to chemical agents.

(b) Extent of Deviation - Minor – The CAMDS sounded the site masking alarm as required the majority of the time during this inspection period.

Multi-Event Penalty – This finding documents two separate occasions when the site masking alarm was not sounded as required.

Percent increase/decrease for good faith – N/A

Percent increase/decrease for willfulness/negligence – 15% increase – Personnel in the Control Module made a choice not to follow the procedure they were aware of.

Percent increase/decrease for history of compliance/non-compliance – N/A

Percent increase/decrease for other unique factors – N/A

Increase for economic benefit – N/A

**UTAH DIVISION OF SOLID AND HAZARDOUS WASTE
SETTLEMENT PENALTY NARRATIVE**

Deseret Chemical Depot, Chemical Agent Munitions Disposal System, Tooele Chemical Agent Disposal Facility
NOV 0712032

Finding 7.42

Finding Description – The TOCDF failed to send notice of Class 1 permit modifications to all persons on the facility mailing list within 90 calendar days after the change is put into effect. The TOCDF reported in a letter dated December 12, 2006, (DSHW No. 06.03969) that on December 1, 2006, it was discovered that a notification of Class 1 permit modification request had not been sent to persons on the facility mailing list within 90 days. The notice was sent 102 days after the change was put into effect.

Gravity based penalty from the matrix

(a) Potential for Harm - Minor – This was an administrative error and did not effect any hazardous waste operations at the TOCDF facility.

(b) Extent of Deviation - Minor – The TOCDF complied with this requirement the majority of the time during this inspection period.

Percent increase/decrease for good faith – 15% decrease – The TOCDF reported this violation at the time of discovery.

Percent increase/decrease for willfulness/negligence – N/A

Percent increase/decrease for history of compliance/non-compliance – N/A

Percent increase/decrease for other unique factors – N/A

Increase for economic benefit – N/A

UTAH DIVISION OF SOLID AND HAZARDOUS WASTE SETTLEMENT PENALTY NARRATIVE

Deseret Chemical Depot, Chemical Agent Munitions Disposal System, Tooele Chemical Agent Disposal Facility
NOV 0712032

Finding 7.43

Finding Description – The TOCDF failed to ensure that all hazardous waste was placed in labeled and dated containers. During an inspection of the TOCDF facility on July 31, 2007, a DSHW inspector documented hazardous waste that had not been placed into a labeled and dated container. Solid brine residue was observed on an absorbent pad in the Deactivation Furnace Pollution Abatement System area.

Gravity based penalty from the matrix

(a) Potential for Harm - Minor – The material was inside the Pollution Abatement System building and was on an absorbent pad on a floor grating. Due to the location of the waste the majority of personnel who might be in the area would know what the material was and the hazards associated with it.

(b) Extent of Deviation - Minor – The TOCDF properly placed hazardous waste into labeled and dated containers the majority of the time during this inspection period.

Percent increase/decrease for good faith – N/A

Percent increase/decrease for willfulness/negligence – N/A

Percent increase/decrease for history of compliance/non-compliance – N/A

Percent increase/decrease for other unique factors – N/A

Increase for economic benefit – N/A

UTAH DIVISION OF SOLID AND HAZARDOUS WASTE SETTLEMENT PENALTY NARRATIVE

Deseret Chemical Depot, Chemical Agent Munitions Disposal System, Tooele Chemical Agent Disposal Facility
NOV 0712032

Finding 7.44

Finding Description – The TOCDF operated a satellite accumulation area that does not meet the criteria for a satellite area. During the CEI at the TOCDF facility on September 17, 2007, DSHW inspectors documented the presence of a satellite storage location in the 90-day storage area of Building S-1. The satellite is not at or near the point of generation where wastes initially accumulate or under the control of the operator of the process generating the waste. The wastes being collected here are generated by maintenance workers at different locations around the TOCDF site while this area is under the control of personnel from the waste management division.

Gravity based penalty from the matrix

(a) Potential for Harm - Minor – The wastes were properly placed in labeled containers. The containers were kept closed except when adding or removing waste. The containers being used to store the wastes were in good condition.

(b) Extent of Deviation - Minor – The majority of sites used to manage site generated wastes were being operated properly during this inspection period.

Percent increase/decrease for good faith – N/A

Percent increase/decrease for willfulness/negligence – N/A

Percent increase/decrease for history of compliance/non-compliance – N/A

Percent increase/decrease for other unique factors – N/A

Increase for economic benefit – N/A

UTAH DIVISION OF SOLID AND HAZARDOUS WASTE SETTLEMENT PENALTY NARRATIVE

Deseret Chemical Depot, Chemical Agent Munitions Disposal System, Tooele Chemical Agent Disposal Facility
NOV 0712032

Finding 7.45

Finding Description – The TOCDF failed to record in the facility operating record the date that all waste was placed into storage. During an inspection of the TOCDF facility on February 13, 2007, a DSHW inspector documented that on November 10, 2006, ton container number D-46639 was punched and an attempt was made to drain the container to the permitted level for incinerating in the Metal Parts Furnace. The attempt was unsuccessful and the container was placed into storage in the Buffer Storage Area. However, operators failed to record the date that the container was placed in the First Floor Buffer Storage Area in the operating record.

Gravity based penalty from the matrix

(a) Potential for Harm - Minor – The waste was managed properly. The First Floor Buffer Storage Area is a toxic area and is secured. The location of the waste was always known.

(b) Extent of Deviation - Minor – The TOCDF properly recorded information in the facility operating record the majority of the time during this inspection period.

Percent increase/decrease for good faith – N/A

Percent increase/decrease for willfulness/negligence – N/A

Percent increase/decrease for history of compliance/non-compliance – N/A

Percent increase/decrease for other unique factors – N/A

Increase for economic benefit – N/A

UTAH DIVISION OF SOLID AND HAZARDOUS WASTE SETTLEMENT PENALTY NARRATIVE

Deseret Chemical Depot, Chemical Agent Munitions Disposal System, Tooele Chemical Agent Disposal Facility
NOV 0712032

Finding 7.46

Finding Description – The TOCDF failed to ensure that all secondary containment vaults for tank systems were provided with an impermeable interior coating that would prevent migration of waste into the concrete. During an inspection of the TOCDF facility on July 27, 2007, a DSHW inspector documented that the secondary containment for the brine tanks was not capable of preventing the migration of waste into the concrete. Facility documents indicated that repair of the coating had been scheduled for April of 2007. Repairs were not made until approximately August 1, 2007.

Gravity based penalty from the matrix

(a) Potential for Harm - Minor – Although the coating inside the vault was not in good repair the concrete that the vault is made out of is in good repair and would have prevented any release of hazardous waste from escaping to the soil or groundwater.

(b) Extent of Deviation - Minor – The TOCDF maintained the coatings of the majority of secondary containment vaults at the facility as required during this inspection period.

Percent increase/decrease for good faith – N/A

Percent increase/decrease for willfulness/negligence – 20% increase – The TOCDF should have made the repairs to the secondary containment coating as soon as weather conditions permitted. The condition of the coating was documented in weekly inspection reports so personnel were aware that the unsatisfactory condition existed for an unnecessary length of time.

Percent increase/decrease for history of compliance/non-compliance – N/A

Percent increase/decrease for other unique factors – N/A

Increase for economic benefit – N/A

UTAH DIVISION OF SOLID AND HAZARDOUS WASTE SETTLEMENT PENALTY NARRATIVE

Deseret Chemical Depot, Chemical Agent Munitions Disposal System, Tooele Chemical Agent Disposal Facility
NOV 0712032

Finding 7.47

Finding Description – The TOCDF failed to follow all Permittee-approved Standard Operating Procedures which affect the management of hazardous waste. On October 15, 2007, DSHW staff learned that workers were not following the procedures in TE-SOP-109 for monitoring of toxic area entrants following decontamination at the time of egress from a toxic area. Specifically, entrants were not properly following the procedure for quadrant monitoring.

Gravity based penalty from the matrix

(a) Potential for Harm - Moderate – The Executive Secretary has based standards for disposal of demilitarization protective ensemble (DPE) suits on knowledge of the procedures used to decontaminate these suits following use in toxic areas. When the procedure for decontaminating these suits is not followed the potential for highly contaminated waste to be treated as waste contaminated a lower level is increased.

(b) Extent of Deviation - Moderate – It is not known by the DSHW how many times this procedure was not followed during this inspection period. However, documentation from the facility indicates that it may have been wide spread.

Percent increase/decrease for good faith – 5% decrease – This violation was discovered by a DSHW inspector performing follow-up activities to a reported potential agent exposure. The issue was presented to the DSHW in documents provided by the facility and was discussed with facility personnel.

Percent increase/decrease for willfulness/negligence – 10% increase – Workers at the TOCDF facility are aware of the hazards that exist in their facility and have been trained to not take short cuts with procedures. Workers who choose to cut corners and not follow procedures exactly are negligent in their work practices.

Percent increase/decrease for history of compliance/non-compliance – N/A

Percent increase/decrease for other unique factors – N/A

Increase for economic benefit – N/A

**UTAH DIVISION OF SOLID AND HAZARDOUS WASTE
SETTLEMENT PENALTY NARRATIVE**

Deseret Chemical Depot, Chemical Agent Munitions Disposal System, Tooele Chemical Agent Disposal Facility
NOV 0712032

Finding 7.48(a)

Finding Description – The TOCDF failed to follow the Waste Analysis Plan by failing to ensure that trays of miscellaneous waste containing more than 16 lbs of paper, cloth, pads, pillows and spill absorbents were not fed consecutively into the Metal Parts Furnace. The TOCDF reported in a letter dated May 21, 2007, (DSHW No. 07.01585) that on May 11, 2007, a tray of miscellaneous waste containing more than 16 lbs of paper, cloth, pads, pillows and spill absorbents was consecutively fed to the Metal Parts Furnace.

Gravity based penalty from the matrix

(a) Potential for Harm - Minor – The Metal Parts Furnace was operating in control at the time of the incident. No upset conditions occurred as a result of this incident.

(b) Extent of Deviation - Minor – The TOCDF followed the requirements for feeding trays containing more than 16 lbs of paper, cloth, pads, pillows and spill absorbents the majority of the time during this inspection period.

Percent increase/decrease for good faith – 15% decrease – The TOCDF reported this violation at the time of discovery.

Percent increase/decrease for willfulness/negligence – N/A

Percent increase/decrease for history of compliance/non-compliance – N/A

Percent increase/decrease for other unique factors – N/A

Increase for economic benefit – N/A

**UTAH DIVISION OF SOLID AND HAZARDOUS WASTE
SETTLEMENT PENALTY NARRATIVE**

Deseret Chemical Depot, Chemical Agent Munitions Disposal System, Tooele Chemical Agent Disposal Facility
NOV 0712032

Finding 7.48(b)

Finding Description – The TOCDF failed to ensure that detailed descriptions of miscellaneous or secondary waste in the facility operating record. During an inspection of the TOCDF facility on March 26, 2007, a DSHW inspector documented six occasions where operators failed to place in the facility operating record, a detailed description of miscellaneous or secondary waste placed on burn trays to be incinerated in the Metal Parts Furnace.

Gravity based penalty from the matrix

(a) Potential for Harm - Penalty – N/A

(b) Extent of Deviation - Penalty – N/A

Percent increase/decrease for good faith – N/A

Percent increase/decrease for willfulness/negligence – N/A

Percent increase/decrease for history of compliance/non-compliance – N/A

Percent increase/decrease for other unique factors – Further review of the operating record revealed that not all documentation related to the waste in question was available at the time of the inspection. It was possible to determine what the waste was once all documentation related to the waste was made available. Based on this review the Executive Secretary has determined that no penalty will be collected.

Increase for economic benefit – N/A

**UTAH DIVISION OF SOLID AND HAZARDOUS WASTE
SETTLEMENT PENALTY NARRATIVE**

Deseret Chemical Depot, Chemical Agent Munitions Disposal System, Tooele Chemical Agent Disposal Facility
NOV 0712032

Finding 7.48(c)

Finding Description – The TOCDF failed to follow the waste analysis plan. During an audit of the TOCDF Chemical Assessment Laboratory on September 18 and 19, 2007, DSHW inspectors documented that the Mercury Spike Standard being used, ID:154-106-3, had expired in July 2007 and was no longer valid. On September 20, 2007, the Chemical Assessment Laboratory began using a new standard.

Gravity based penalty from the matrix

(a) Potential for Harm - Moderate – Use of an expired standard could result in biased samples. The samples being analyzed were samples of mustard chemical agent from ton containers to determine the level of mercury in the agent. Biased samples could have resulted in unknowingly feeding ton containers to the Metal Parts Furnace with higher levels of mercury in the agent than is allowed by the facility permit.

(b) Extent of Deviation - Minor – The TOCDF followed the waste analysis plan the majority of the time during this inspection period.

Percent increase/decrease for good faith – N/A

Percent increase/decrease for willfulness/negligence – N/A

Percent increase/decrease for history of compliance/non-compliance – N/A

Percent increase/decrease for other unique factors – N/A

Increase for economic benefit – N/A

**UTAH DIVISION OF SOLID AND HAZARDOUS WASTE
SETTLEMENT PENALTY NARRATIVE**

Deseret Chemical Depot, Chemical Agent Munitions Disposal System, Tooele Chemical Agent Disposal Facility
NOV 0712032

Finding 7.48(d)

Finding Description – The TOCDF failed to follow the waste analysis plan. During an audit of the TOCDF Chemical Assessment Laboratory on September 18 and 19, 2007, DSHW inspectors documented two occasions where incorrect lot numbers were being used. 1) A multi-element spike was incorrectly identified in laboratory documents for approximately one month. The lot number incorrectly identified in the laboratory documents was B6075072-1. The correct number was B6075072-1A. The error was corrected at the time of the audit. 2) Inspectors documented a lot number that was inconsistent with the Certificate of Analysis. The lot number incorrectly identified was B6075072-3. The correct number was B6075072-1A.

Gravity based penalty from the matrix

(a) Potential for Harm - Minor – The errors made in this incident were transcription errors where personnel in the lab wrote down the incorrect numbers. The chemicals used were correct and lab procedures were followed while using the chemicals.

(b) Extent of Deviation - Minor - The TOCDF followed the waste analysis plan the majority of the time during this inspection period.

Percent increase/decrease for good faith – N/A

Percent increase/decrease for willfulness/negligence – N/A

Percent increase/decrease for history of compliance/non-compliance – N/A

Percent increase/decrease for other unique factors – N/A

Increase for economic benefit – N/A

**UTAH DIVISION OF SOLID AND HAZARDOUS WASTE
SETTLEMENT PENALTY NARRATIVE**

Deseret Chemical Depot, Chemical Agent Munitions Disposal System, Tooele Chemical Agent Disposal Facility
NOV 0712032

Finding 7.49

Finding Description – The TOCDF failed to follow the Facility Inspection Plan by failing to ensure that the air inside of an On-site Container that has been in storage for seven days is monitored on the seventh day for the presence of chemical agent. The TOCDF reported in a letter dated February 28, 2007, (DSHW No. 07.00815) that on February 18, 2007, it was discovered that On-site Container Number 113 was not monitored for agent on the seventh day that it was in storage.

Gravity based penalty from the matrix

(a) Potential for Harm - Minor – The On-site Container was monitored one day late and no chemical agent was detected.

(b) Extent of Deviation - Minor – The TOCDF was in compliance with the inspection plan the majority of the time during this inspection period.

Percent increase/decrease for good faith – 15% decrease – The TOCDF reported this violation at the time of discovery.

Percent increase/decrease for willfulness/negligence – N/A

Percent increase/decrease for history of compliance/non-compliance – N/A

Percent increase/decrease for other unique factors – N/A

Increase for economic benefit – N/A

**UTAH DIVISION OF SOLID AND HAZARDOUS WASTE
SETTLEMENT PENALTY NARRATIVE**

Deseret Chemical Depot, Chemical Agent Munitions Disposal System, Tooele Chemical Agent Disposal Facility
NOV 0712032

Finding 7.50(a)

Finding Description – The TOCDF failed to ensure that all monitoring, control, and recording equipment was in operation while incinerating hazardous waste. The TOCDF reported in a letter dated June 19, 2007, (DSHW No. 07.01888) that on May 30, 2007, an Automatic Waste Feed Cut-Off Instrument associated with the Metal Parts Furnace was off-line while waste was being incinerated. The instrument that was involved measures the differential pressure in the primary chamber.

Gravity based penalty from the matrix

(a) Potential for Harm - Minor – The instrument was off-line for only nine minutes. The incinerator was operating in control prior to the incident and was in control following the incident. No upset conditions occurred.

(b) Extent of Deviation - Minor – The TOCDF had monitoring, control and recording equipment operating the majority of the time while incinerating waste during this inspection period.

Percent increase/decrease for good faith – 15% decrease – The TOCDF reported this violation at the time of discovery.

Percent increase/decrease for willfulness/negligence – N/A

Percent increase/decrease for history of compliance/non-compliance – N/A

Percent increase/decrease for other unique factors – N/A

Increase for economic benefit – N/A

**UTAH DIVISION OF SOLID AND HAZARDOUS WASTE
SETTLEMENT PENALTY NARRATIVE**

Deseret Chemical Depot, Chemical Agent Munitions Disposal System, Tooele Chemical Agent Disposal Facility
NOV 0712032

Finding 7.50(b)

Finding Description – The TOCDF failed to properly maintain, calibrate, and operate monitoring, control, and recording equipment while incinerating hazardous waste. The TOCDF reported in a letter dated June 25, 2007, (DSHW No. 07.01943) that the set points for common stack ACAMS Automatic Waste Feed Cut-Off were changed from the set points required by the Permit while the TOCDF was implementing new site masking requirements. Waste was incinerated in the Metal Parts Furnace prior to the set points being changed back to those required by the TOCDF Part B Permit.

Gravity based penalty from the matrix

(a) Potential for Harm - Minor – The set points were raised from 0.2 SEL to 1.0 SEL. Raising the set points could allow a larger release of chemical agent to occur prior to sounding the alarm and stopping the feed to the Metal Parts Furnace. However; an alarm would still sound in the control room at the 0.2 SEL level if agent were released but operators would have to manually stop feed.

(b) Extent of Deviation - Minor - The TOCDF had monitoring, control and recording equipment maintained, calibrated, and operating properly the majority of the time while incinerating waste during this inspection period.

Percent increase/decrease for good faith – 15% decrease – The TOCDF reported this violation at the time of discovery.

Percent increase/decrease for willfulness/negligence – N/A

Percent increase/decrease for history of compliance/non-compliance – N/A

Percent increase/decrease for other unique factors – N/A

Increase for economic benefit – N/A

UTAH DIVISION OF SOLID AND HAZARDOUS WASTE SETTLEMENT PENALTY NARRATIVE

Deseret Chemical Depot, Chemical Agent Munitions Disposal System, Tooele Chemical Agent Disposal Facility
NOV 0712032

Finding 7.51

Finding Description – The TOCDF failed to provide CO monitoring at all times during waste feed to the Liquid Incinerators. The TOCDF reported in a letter dated November 13, 2006, (DSHW No. 06.03604) four occasions where waste was being fed to the Liquid Incinerator Number 2 while both CO analyzers were either off-line or not operating.

Gravity based penalty from the matrix

(a) Potential for Harm - Minor – During each of the four incidents the incinerator was operating in control. No upset conditions were documented during any of the outages.

(b) Extent of Deviation - Minor – The TOCDF had CO monitoring operating correctly the majority of the time during this inspection period.

Percent increase/decrease for good faith – 15% decrease – The TOCDF reported this violation at the time of discovery.

Percent increase/decrease for willfulness/negligence – N/A

Percent increase/decrease for history of compliance/non-compliance – N/A

Percent increase/decrease for other unique factors – N/A

Increase for economic benefit – N/A

**UTAH DIVISION OF SOLID AND HAZARDOUS WASTE
SETTLEMENT PENALTY NARRATIVE**

Deseret Chemical Depot, Chemical Agent Munitions Disposal System, Tooele Chemical Agent Disposal Facility
NOV 0712032

Finding 7.52

Finding Description – The TOCDF failed to maintain the ability to maintain clean liquor flow to the Metal Parts Furnace scrubber tower at or above 400 gallons per minute, over a one-hour rolling average. The TOCDF reported in a letter dated December 6, 2006, (DSHW No. 06.03842) that on November 23, 2006, the Pollution Abatement System Clean Liquor Flow Indicating Transmitter for the Metal Parts Furnace was removed from service while waste was being incinerated.

Gravity based penalty from the matrix

(a) Potential for Harm - Minor – Clean liquor flow prior to the occurrence and following the occurrence was above 400 gallons per minute. No upset conditions were documented during this time.

(b) Extent of Deviation - Minor – The TOCDF maintained clean liquor flow in accordance with the permit the majority of the time.

Percent increase/decrease for good faith – 15% decrease – The TOCDF reported this violation at the time of discovery.

Percent increase/decrease for willfulness/negligence – N/A

Percent increase/decrease for history of compliance/non-compliance – N/A

Percent increase/decrease for other unique factors – N/A

Increase for economic benefit – N/A

**UTAH DIVISION OF SOLID AND HAZARDOUS WASTE
SETTLEMENT PENALTY NARRATIVE**

Deseret Chemical Depot, Chemical Agent Munitions Disposal System, Tooele Chemical Agent Disposal Facility
NOV 0712032

Finding 7.53

Finding Description – The TOCDF failed to maintain the ability to maintain Quench brine feed to the Metal Parts Furnace venturi scrubber at or above 85 gallons per minute, over a one-hour rolling average. The TOCDF reported in a letter dated December 6, 2006, (DSHW No. 06.03842) that on November 23, 2006, the Quench Brine Flow Indicating Transmitter for the Metal Parts Furnace was removed from service while waste was being incinerated.

Gravity based penalty from the matrix

(a) Potential for Harm - Minor – Quench brine flow prior to the occurrence and following the occurrence was above 85 gallons per minute. No upset conditions were documented during this time.

(b) Extent of Deviation - Minor - The TOCDF maintained quench brine flow in accordance with the permit the majority of the time.

Percent increase/decrease for good faith – 15% decrease - The TOCDF reported this violation at the time of discovery.

Percent increase/decrease for willfulness/negligence – N/A

Percent increase/decrease for history of compliance/non-compliance – N/A

Percent increase/decrease for other unique factors – N/A

Increase for economic benefit – N/A

**UTAH DIVISION OF SOLID AND HAZARDOUS WASTE
SETTLEMENT PENALTY NARRATIVE**

Deseret Chemical Depot, Chemical Agent Munitions Disposal System, Tooele Chemical Agent Disposal Facility
NOV 0712032

Finding 7.54

Finding Description – The TOCDF failed to maintain continuous monitoring of the CAL HVAC stack. The TOCDF reported in a letter dated October 31, 2006, (DSHW No. 06.03483) that on October 13, 2006, it was determined that the sample hose for ACAMS/DAAMS Station CAL 951H had pulled loose from the Chemical Assessment Laboratory HVAC stack resulting in no monitoring of the exhaust stream for over eight hours.

Gravity based penalty from the matrix

(a) Potential for Harm - Minor – The CAL handles only small amounts of chemical agent. When analyzed, the DAAMS tubes monitoring the mid beds revealed no readings above the reporting limit of 0.5 vapor screening limit.

(b) Extent of Deviation - Minor – The TOCDF operated the CAL HVAC monitoring in accordance with the permit requirements the majority of the time during this inspection period.

Percent increase/decrease for good faith – 15% decrease – The TOCDF reported this violation at the time of discovery.

Percent increase/decrease for willfulness/negligence – N/A

Percent increase/decrease for history of compliance/non-compliance – N/A

Percent increase/decrease for other unique factors – N/A

Increase for economic benefit – N/A

The violations documented in the following pages were either documented during inspections that occurred after the CEI in September of 2007 or were reported by the DCD or the TOCDF after September of 2007.



UTAH DIVISION OF SOLID AND HAZARDOUS WASTE SETTLEMENT PENALTY NARRATIVE

Deseret Chemical Depot, Chemical Agent Munitions Disposal System, Tooele Chemical Agent Disposal Facility
NOV 0712032

Finding A1

Finding Description – The DCD failed to have perimeter monitoring as required by the CAMDS Part B Permit. In a letter dated March 5, 2008, (DSHW No. 08.00933) the DCD reported that on March 1, 2008, heavy winds had damaged a power pole causing a loss of power to perimeter monitoring stations. On March 2, 2008, technicians checked the perimeter monitoring stations and reported that they were operating on battery back-up power. Repairs were completed and power was restored on March 2, 2008. On March 3, 2008, monitoring technicians discovered that perimeter monitoring stations 903, 904, 906, 908, and 911 were down because the battery backup to each station was exhausted and normal power had not been restored. It was discovered that electrical breakers had been tripped so that when normal power was restored it was not restored to these stations.

Gravity based penalty from the matrix

(a) Potential for Harm - Minor – All chemical agent wastes were being managed properly during this time period. No leaks or spills of chemical agent were observed. Additionally, due to the cold temperatures at the time of this incident and the fact that mustard agent freezes at approximately 59°F there is very little chance that an agent release could have occurred during the time period when these stations were not operating.

(b) Extent of Deviation - Minor – The DCD complied with the requirement to have perimeter monitoring the majority of the time during this inspection period.

Percent increase/decrease for good faith – 15% decrease – The DCD reported this violation at the time of discovery.

Percent increase/decrease for willfulness/negligence – 10% increase – Following the restoration of power technicians should have checked each perimeter monitoring station to ensure that normal power had been restored.

Percent increase/decrease for history of compliance/non-compliance – N/A

Percent increase/decrease for other unique factors – N/A

Increase for economic benefit – N/A

**UTAH DIVISION OF SOLID AND HAZARDOUS WASTE
SETTLEMENT PENALTY NARRATIVE**

Deseret Chemical Depot, Chemical Agent Munitions Disposal System, Tooele Chemical Agent Disposal Facility
NOV 0712032

Finding A2

Finding Description – The CAMDS failed to sound the site masking alarm each time the HVAC Filter Stack Near Real Time monitor alarmed. In a letter dated February 6, 2008, (DSHW Tracking No. 08.00497) the DCD reported that on January 20, 2008, an alarm occurred on the Filter 21 stack. When the alarm occurred the EOC did not sound the site masking alarm because operators in the EOC had turned down the volume on the audible alarm in the EOC and did not notice that an alarm had occurred.

Gravity based penalty from the matrix

(a) Potential for Harm - Moderate – Even though the agent alarm in this case was not confirmed, the site masking alarm is sounded to warn site personnel that there may have been a release of chemical agent into the atmosphere so that they can don protective gear and take steps to prevent possible exposure. Failure to sound the alarm increases the risk of human exposure to chemical agents.

(b) Extent of Deviation - Minor - The CAMDS sounded the site masking alarm as required the majority of the time during this inspection period.

Percent increase/decrease for good faith – 15% decrease – The DCD reported this violation at the time of discovery.

Percent increase/decrease for willfulness/negligence – 10% increase – Audible alarms are supposed to get the attention of personnel in the EOC. Operators in the EOC should not have the ability to adjust the volume on audible alarms.

Percent increase/decrease for history of compliance/non-compliance – N/A

Percent increase/decrease for other unique factors – N/A

Increase for economic benefit – N/A

**UTAH DIVISION OF SOLID AND HAZARDOUS WASTE
SETTLEMENT PENALTY NARRATIVE**

Deseret Chemical Depot, Chemical Agent Munitions Disposal System, Tooele Chemical Agent Disposal Facility
NOV 0712032

Finding A3

Finding Description - The CAMDS failed to analyze DAAMS tubes monitoring the HVAC stack on every occasion when the Near Real Time (NRT) monitors were off-line for more than five cycles. In a letter dated December 17, 2007, (DSHW Tracking No. 07.03601) submitted to the Executive Secretary the CAMDS reported that on November 27, 2007, following a period when NRT Station 550 was off-line for more than five cycles an operator pulled the wrong DAAMS tubes for analysis.

Gravity based penalty from the matrix

(a) Potential for Harm - Minor - The DAAMS tubes are used to confirm that there was not a release of agent during the time period that the NRT monitor was off-line. The DAAMS tubes were eventually pulled and analyzed and no agent was detected.

(b) Extent of Deviation - Minor - The CAMDS appears to have been in compliance with this requirement the majority of the time during this inspection period.

Percent increase/decrease for good faith – 15% decrease – The CAMDS reported this violation at the time of discovery.

Percent increase/decrease for willfulness/negligence – N/A

Percent increase/decrease for history of compliance/non-compliance – 20% increase - Failure to analyze DAAMS tubes when HVAC Stack NRT monitors are off-line for more than five cycles has been a violation in two of the last three NOV's.

Percent increase/decrease for other unique factors – N/A

Increase for economic benefit – N/A

**UTAH DIVISION OF SOLID AND HAZARDOUS WASTE
SETTLEMENT PENALTY NARRATIVE**

Deseret Chemical Depot, Chemical Agent Munitions Disposal System, Tooele Chemical Agent Disposal Facility
NOV 0712032

Finding A4

Finding Description – The CAMDS failed to follow the Site Laboratory and Monitoring Quality Control Plan by using incorrect DAAMS tubes in monitoring stations. In a letter dated November 20, 2007, (DSHW Tracking No. 07.03325) the CAMDS reported that on November 7, 2007, the incorrect type of DAAMS tubes were used in monitoring station 1810 east lunchroom.

Gravity based penalty from the matrix

(a) Potential for Harm - Minor – The co-located DAAMS station in the lunchroom had the correct tubes installed and when those tubes were analyzed, no agent was detected.

(b) Extent of Deviation - Minor – The CAMDS appears to have used the correct type of DAAMS tubes the majority of the time during this inspection period.

Percent increase/decrease for good faith – 15% decrease – The CAMDS reported this violation at the time of discovery.

Percent increase/decrease for willfulness/negligence – N/A

Percent increase/decrease for history of compliance/non-compliance – 10% increase – Use of the incorrect type of DAAMS tubes was a violation in one of the last three NOV's.

Percent increase/decrease for other unique factors – N/A

Increase for economic benefit – N/A

**UTAH DIVISION OF SOLID AND HAZARDOUS WASTE
SETTLEMENT PENALTY NARRATIVE**

Deseret Chemical Depot, Chemical Agent Munitions Disposal System, Tooele Chemical Agent Disposal Facility
NOV 0712032

Finding A5

Finding Description – The DCD failed to have current copies of the Contingency Plan in all locations of the Facility where copies are maintained. During an inspection on March 26, 2008, a DSHW inspector documented that the copies of the Contingency Plan maintained at Buildings 4104 and 4107 were dated 2005 and 2004 respectively. The current version of the Contingency Plan is dated February 2008.

Gravity based penalty from the matrix

(a) Potential for Harm - Minor – Although a current version of the Contingency Plan was available at a different location of the Facility operators working in these buildings would not have been able to access the current version in a timely manner during an emergency.

(b) Extent of Deviation - Minor – The DCD appears to have kept the majority of their contingency plan copies up to date with the current version of the plan during this inspection period.

Percent increase/decrease for good faith – N/A

Percent increase/decrease for willfulness/negligence – N/A

Percent increase/decrease for history of compliance/non-compliance – N/A

Percent increase/decrease for other unique factors – N/A

Increase for economic benefit – N/A

**UTAH DIVISION OF SOLID AND HAZARDOUS WASTE
SETTLEMENT PENALTY NARRATIVE**

Deseret Chemical Depot, Chemical Agent Munitions Disposal System, Tooele Chemical Agent Disposal Facility
NOV 0712032

Finding A6

Finding Description – The DCD failed to maintain emergency equipment as listed in the Contingency Plan contained in the DCD Part B Permit. During an inspection on February 5, 2007, a DSHW inspector documented that the Contingency Plan requires certain pieces of equipment for use in emergency response to be located on a hazardous waste transport vehicle. These vehicles are no longer in use at the DCD.

Gravity based penalty from the matrix

(a) Potential for Harm - N/A.

(b) Extent of Deviation – N/A.

Percent increase/decrease for good faith – N/A

Percent increase/decrease for willfulness/negligence – N/A

Percent increase/decrease for history of compliance/non-compliance – N/A

Percent increase/decrease for other unique factors – Based on further review of this finding it has been determined that this was a misunderstanding between the DSHW inspector and DCD personnel. The vehicles are still in-use at DCD and are stocked with the required equipment. The change that was made was that the Environmental Office is no longer in charge of these vehicles; they are now operated by the Mission Operations office. Based on this clarification the Executive Secretary has determined that no violation occurred and no penalty will be collected.

Increase for economic benefit – N/A

**UTAH DIVISION OF SOLID AND HAZARDOUS WASTE
SETTLEMENT PENALTY NARRATIVE**

Deseret Chemical Depot, Chemical Agent Munitions Disposal System, Tooele Chemical Agent Disposal Facility
NOV 0712032

Finding A7

Finding Description – The TOCDF failed to feed trays of 155mm mustard projectiles to the Metal Parts Furnace in accordance with approved zone times. On February 20, 2008, a DSHW inspector was informed that on February 18, 2008, operators had fed a tray of 155 mm projectiles to the Metal Parts Furnace and had bypassed Zone 1 because of a mechanical failure that would not allow the tray to oscillate in the zone. The tray was fed directly to Zone 2 where it was held for the length of the Zone 1 and Zone 2 times. This incident was subsequently documented by another DSHW inspector on February 21, 2008, and was then reported in a letter dated March 10, 2008 (DSHW No. 08.01002).

Gravity based penalty from the matrix

(a) Potential for Harm - Minor – Other than the problem with the Zone 1 conveyor the Metal Parts Furnace was operating normally during the incineration of the tray. No upset conditions occurred during the incineration of the tray of projectiles.

(b) Extent of Deviation - Minor – The TOCDF fed trays to the Metal Parts Furnace in compliance with the approved zone times the majority of the time during this inspection period.

Percent increase/decrease for good faith – 15% decrease – The TOCDF reported this violation at the time of discovery.

Percent increase/decrease for willfulness/negligence – N/A

Percent increase/decrease for history of compliance/non-compliance – N/A

Percent increase/decrease for other unique factors – N/A

Increase for economic benefit – N/A

UTAH DIVISION OF SOLID AND HAZARDOUS WASTE SETTLEMENT PENALTY NARRATIVE

Deseret Chemical Depot, Chemical Agent Munitions Disposal System, Tooele Chemical Agent Disposal Facility
NOV 0712032

Finding A8

Finding Description – The TOCDF failed to have ACAMS monitoring of the Metal Parts Furnace Discharge Airlock while processing waste. In a letter dated December 11, 2007, (DSHW No. 07.03562) the TOCDF reported that on November 25, 2007, operators failed to place the sample lines for the ACAMS that monitors the Discharge Airlock back into the sampling duct, following removal for challenging. A tray of mustard filled 155 mm projectiles was processed in the Metal Parts Furnace and exited through the airlock without being monitored for the presence of chemical agent.

Gravity based penalty from the matrix

(a) Potential for Harm - Minor – The Metal Parts Furnace was operating properly at the time of this incident. There were no upset conditions while incinerating the tray that exited through the non-monitored Discharge Airlock. Previous to this incident no agent has been detected off-gassing from any 155 mm projectile trays in the Discharge Airlock.

(b) Extent of Deviation - Minor – The TOCDF had required monitoring in place and monitored trays of waste in the Discharge Airlock the majority of the time during this inspection period.

Percent increase/decrease for good faith – 15% decrease – The TOCDF reported this violation at the time of discovery.

Percent increase/decrease for willfulness/negligence – N/A

Percent increase/decrease for history of compliance/non-compliance – N/A

Percent increase/decrease for other unique factors – N/A

Increase for economic benefit – N/A

**UTAH DIVISION OF SOLID AND HAZARDOUS WASTE
SETTLEMENT PENALTY NARRATIVE**

Deseret Chemical Depot, Chemical Agent Munitions Disposal System, Tooele Chemical Agent Disposal Facility
NOV 0712032

Finding A9

Finding Description – The TOCDF failed to document monthly inspections of ECR B as required by the TOCDF Part B Permit. During an inspection on April 22, 2008, a DSHW inspector documented that there were no inspection records in the TOCDF Operating Record for inspections performed on the Projectile/Mortar Disassembly machine located in ECR B. It was also documented that an inspection log sheet for this inspection does not exist.

Gravity based penalty from the matrix

(a) Potential for Harm - Minor – Even though no inspections have been performed in accordance with the Part B Permit Inspection Plan workers have entered ECR B often during the mustard 155 mm projectile campaign to perform maintenance on the equipment and clean the room. During these entries workers have performed the duties required by the Inspection Plan.

(b) Extent of Deviation - Major – DSHW inspectors were unable to locate any documentation showing that the required monthly inspections were performed at any time since the commencement of the 155 mm projectile campaign.

Multi-Event Penalty – Minor-Major – The Projectile/Mortar Disassembly machine in ECR B was first used on November 21, 2007. Monthly inspections should have occurred each month after that date for a total of four missed inspections at the time this violation was discovered.

Percent increase/decrease for good faith – N/A

Percent increase/decrease for willfulness/negligence – N/A

Percent increase/decrease for history of compliance/non-compliance – N/A

Percent increase/decrease for other unique factors – N/A

Increase for economic benefit – N/A

**UTAH DIVISION OF SOLID AND HAZARDOUS WASTE
SETTLEMENT PENALTY NARRATIVE**

Deseret Chemical Depot, Chemical Agent Munitions Disposal System, Tooele Chemical Agent Disposal Facility
NOV 0712032

Finding A10

Finding Description – The TOCDF failed to follow the Agent Monitoring Plan contained in Attachment 22 to the TOCDF Part B Permit. During an inspection on January 17, 2008, a DSHW inspector observed a monitoring technician who was calibrating an ACAMS. The technician began his calibration without waiting for the instrument to show that any carryover from the previous line challenge was below 0.05Z. While performing follow-up the inspector documented three additional occasions where technicians did not wait for carryover to be below 0.05Z.

Gravity based penalty from the matrix

(a) Potential for Harm - Minor – If carryover agent could still be detected by the ACAMS it could bias the calibration by causing the operator to adjust the instrument based on a challenge where the instrument detected a higher level of agent than was actually injected for the challenge. If this happened, an instrument could be set so that it might not alarm at the correct concentration of agent. However; the carryover on all four occasions documented was very low and would not significantly bias the instrument.

(b) Extent of Deviation - Minor – The TOCDF appears to have been in compliance with this requirement the majority of the time during this inspection period.

Multi-Event Penalty – This finding documents four separate occasions where the TOCDF failed to follow this requirement of the Agent Monitoring Plan.

Percent increase/decrease for good faith – N/A

Percent increase/decrease for willfulness/negligence – N/A

Percent increase/decrease for history of compliance/non-compliance – N/A

Percent increase/decrease for other unique factors – N/A

Increase for economic benefit – N/A

**UTAH DIVISION OF SOLID AND HAZARDOUS WASTE
SETTLEMENT PENALTY NARRATIVE**

Deseret Chemical Depot, Chemical Agent Munitions Disposal System, Tooele Chemical Agent Disposal Facility
NOV 0712032

Finding A11

Finding Description – The TOCDF failed to properly manage hazardous waste by collecting and placing into containers all hazardous waste residues. During an inspection on February 11, 2008, a DSHW inspector documented brine residue on valves, piping, fittings, insulation, and the floor of the secondary containment vault associated with the four brine storage tanks. Brine and associated residues are F999 hazardous waste as well as being characteristic for several other hazardous constituents.

Gravity based penalty from the matrix

(a) Potential for Harm - Minor – The residues were solid and were not released to the environment. Personnel who might enter the area around the tanks would know what the material is.

(b) Extent of Deviation - Minor – The TOCDF properly managed hazardous waste the majority of the time during this inspection period.

Percent increase/decrease for good faith – N/A

Percent increase/decrease for willfulness/negligence – N/A

Percent increase/decrease for history of compliance/non-compliance – 30% increase – Failure to properly manage hazardous waste has been a violation in three of the last three NOVs.

Percent increase/decrease for other unique factors – N/A

Increase for economic benefit – N/A

Company Name:DCD, CAMDS, TOCDF
ID#:UT5210090002

DRAFT SETTLEMENT PENALTY AMOUNT
NOV #:0712032
NOV Date:February 4, 2008

Prepared By:Thomas Ball
Date Prepared:September 2008

Finding number (from NOV)	7.1	7.2	7.3	7.4
Finding Description	Failure to Keep Containers of Waste Closed	Failure to Complete Hazardous Waste Manifest	Failure to Orally Report	Failure to Maintain Accurate Operating Record
1. Gravity based penalty from the matrix	\$155.00	\$0.00	\$2,080.00	\$155.00
(a) Potential for Harm	Minor	N/A	Moderate	Minor
(b) Extent of Deviation	Minor	N/A	Minor	Minor
2. Select an amount from the appropriate multiday matrix cell (for multi-event calculations enter the amount from item 1 above in this row)				
(a) Number of days of violation (1 will be subtracted from this number to calculate penalty)				
3. Multiply Item 2 by the number of days of violation minus 1 (or other number, as appropriate)	\$0.00	\$0.00	\$0.00	\$0.00
4. Add items 1 and 3	\$155.00	\$0.00	\$2,080.00	\$155.00
5. Good Faith				
(a) Percent increase				
(b) Percent decrease			15%	
6. Willfulness/negligence				
(a) Percent increase				
(b) Percent decrease				
7. History of compliance/noncompliance				
(a) Percent increase	30%			
(b) Percent decrease				
8. Other unique factors				
(a) Percent increase				
(b) Percent decrease				
9. Total items 5 through 8	30%	0%	-15%	0%
10. Multiply item 4 by item 9	\$46.50	\$0.00	-\$312.00	\$0.00
11. Add items 4 and 10	\$201.50	\$0.00	\$1,768.00	\$155.00
12. Adjustment for environmental project				
13. Subtract item 12 from item 11	\$201.50	\$0.00	\$1,768.00	\$155.00
14. Calculate economic benefit				
15. Add items 13 and 14	\$201.50	\$0.00	\$1,768.00	\$155.00
16. Adjustment amount for ability to pay				
17. Subtract item 16 from item 15 for final settlement total	\$201.50	\$0.00	\$1,768.00	\$155.00

TOTAL THIS PAGE =	\$2,124.50	RUNNING TOTAL =	\$2,124.50
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Company Name:DCD, CAMDS, TOCDF
ID#:UT5210090002

DRAFT SETTLEMENT PENALTY AMOUNT
NOV #:0712032
NOV Date:February 4, 2008

Prepared By:Thomas Ball
Date Prepared:September 2008

Finding number (from NOV)	7.5	7.6	7.7	7.8
Finding Description	Failure to Place Liquid Waste on Containment Pallets	Failure to Maintain Aisle Space	Failure to Place Waste into Containers	Failure to Place Waste into Permitted Storage
1. Gravity based penalty from the matrix	\$155.00	\$155.00	\$2,080.00	\$155.00
(a) Potential for Harm	Minor	Minor	Moderate	Minor
(b) Extent of Deviation	Minor	Minor	Minor	Minor
2. Select an amount from the appropriate multiday matrix cell (for multi-event calculations enter the amount from item 1 above in this row)				\$50.00
(a) Number of days of violation (1 will be subtracted from this number to calculate penalty)				180
3. Multiply Item 2 by the number of days of violation minus 1 (or other number, as appropriate)	\$0.00	\$0.00	\$0.00	\$8,950.00
4. Add items 1 and 3	\$155.00	\$155.00	\$2,080.00	\$9,105.00
5. Good Faith				
(a) Percent increase				
(b) Percent decrease				
6. Willfulness/negligence				
(a) Percent increase				
(b) Percent decrease				
7. History of compliance/noncompliance				
(a) Percent increase		20%	30%	
(b) Percent decrease				
8. Other unique factors				
(a) Percent increase				
(b) Percent decrease				
9. Total items 5 through 8	0%	20%	30%	0%
10. Multiply item 4 by item 9	\$0.00	\$31.00	\$624.00	\$0.00
11. Add items 4 and 10	\$155.00	\$186.00	\$2,704.00	\$9,105.00
12. Adjustment for environmental project				
13. Subtract item 12 from item 11	\$155.00	\$186.00	\$2,704.00	\$9,105.00
14. Calculate economic benefit				
15. Add items 13 and 14	\$155.00	\$186.00	\$2,704.00	\$9,105.00
16. Adjustment amount for ability to pay				
17. Subtract item 16 from item 15 for final settlement total	\$155.00	\$186.00	\$2,704.00	\$9,105.00

TOTAL THIS PAGE =	\$12,150.00	RUNNING TOTAL =	\$14,274.50
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Company Name:DCD, CAMDS, TOCDF
ID#:UT5210090002

DRAFT SETTLEMENT PENALTY AMOUNT
NOV #:0712032
NOV Date:February 4, 2008

Prepared By:Thomas Ball
Date Prepared:September 2008

Finding number (from NOV)	7.9(a)	7.9(b)	7.9(c)	7.9(d)
Finding Description	Failure to Maintain Accurate Operating Record	Failure to Maintain Accurate Operating Record	Failure to Maintain Accurate Operating Record	Failure to Maintain Accurate Operating Record
1. Gravity based penalty from the matrix (a) Potential for Harm (b) Extent of Deviation	\$2,080.00 Moderate Minor	\$155.00 Minor Minor	\$2,080.00 Moderate Minor	\$155.00 Minor Minor
2. Select an amount from the appropriate multiday matrix cell (for multi-event calculations enter the amount from item 1 above in this row) (a) Number of days of violation (1 will be subtracted from this number to calculate penalty)				
3. Multiply Item 2 by the number of days of violation minus 1 (or other number, as appropriate)	\$0.00	\$0.00	\$0.00	\$0.00
4. Add items 1 and 3	\$2,080.00	\$155.00	\$2,080.00	\$155.00
5. Good Faith (a) Percent increase (b) Percent decrease				
6. Willfulness/negligence (a) Percent increase (b) Percent decrease				
7. History of compliance/noncompliance (a) Percent increase (b) Percent decrease				
8. Other unique factors (a) Percent increase (b) Percent decrease				
9. Total items 5 through 8	30%	30%	30%	30%
10. Multiply item 4 by item 9	\$624.00	\$46.50	\$624.00	\$46.50
11. Add items 4 and 10	\$2,704.00	\$201.50	\$2,704.00	\$201.50
12. Adjustment for environmental project				
13. Subtract item 12 from item 11	\$2,704.00	\$201.50	\$2,704.00	\$201.50
14. Calculate economic benefit				
15. Add items 13 and 14	\$2,704.00	\$201.50	\$2,704.00	\$201.50
16. Adjustment amount for ability to pay				
17. Subtract item 16 from item 15 for final settlement total	\$2,704.00	\$201.50	\$2,704.00	\$201.50

TOTAL THIS PAGE =	\$5,811.00	RUNNING TOTAL =	\$20,085.50
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Company Name:DCD, CAMDS, TOCDF
ID#:UT5210090002

DRAFT SETTLEMENT PENALTY AMOUNT
NOV #:0712032
NOV Date:February 4, 2008

Prepared By:Thomas Ball
Date Prepared:September 2008

Finding number (from NOV)	7.10	7.11(a)	7.11(b)	7.11(c)
Finding Description	Improper Storage of Containers of Waste	Failure to Properly Operate and Maintain	Failure to Properly Operate and Maintain	Failure to Properly Operate and Maintain
1. Gravity based penalty from the matrix	\$155.00	\$1,170.00	\$155.00	\$2,080.00
(a) Potential for Harm	Minor	Minor	Minor	Moderate
(b) Extent of Deviation	Minor	Major	Minor	Minor
2. Select an amount from the appropriate multiday matrix cell (for multi-event calculations enter the amount from item 1 above in this row)				
(a) Number of days of violation (1 will be subtracted from this number to calculate penalty)				
3. Multiply Item 2 by the number of days of violation minus 1 (or other number, as appropriate)	\$0.00	\$0.00	\$0.00	\$0.00
4. Add items 1 and 3	\$155.00	\$1,170.00	\$155.00	\$2,080.00
5. Good Faith				
(a) Percent increase				
(b) Percent decrease		15%	15%	
6. Willfulness/negligence				
(a) Percent increase				
(b) Percent decrease				
7. History of compliance/noncompliance				
(a) Percent increase		10%	10%	10%
(b) Percent decrease				
8. Other unique factors				
(a) Percent increase				
(b) Percent decrease				
9. Total items 5 through 8	0%	-5%	-5%	10%
10. Multiply item 4 by item 9	\$0.00	-\$58.50	-\$7.75	\$208.00
11. Add items 4 and 10	\$155.00	\$1,111.50	\$147.25	\$2,288.00
12. Adjustment for environmental project				
13. Subtract item 12 from item 11	\$155.00	\$1,111.50	\$147.25	\$2,288.00
14. Calculate economic benefit				
15. Add items 13 and 14	\$155.00	\$1,111.50	\$147.25	\$2,288.00
16. Adjustment amount for ability to pay				
17. Subtract item 16 from item 15 for final settlement total	\$155.00	\$1,111.50	\$147.25	\$2,288.00

TOTAL THIS PAGE =	\$3,701.75	RUNNING TOTAL =	\$23,787.25
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Company Name:DCD, CAMDS, TOCDF
ID#:UT5210090002

DRAFT SETTLEMENT PENALTY AMOUNT
NOV #:0712032
NOV Date:February 4, 2008

Prepared By:Thomas Ball
Date Prepared:September 2008

Finding number (from NOV)	7.12(a) and (b)	7.13	7.14(a),(b),(c),(d)	7.15
Finding Description	Failure to Follow Security Procedures	Failure to Follow Inspection Plan	Failure to Analyze DAAMS Tubes	Failure to Maintain Incinerator Temperature
1. Gravity based penalty from the matrix	\$155.00	\$2,080.00	\$155.00	\$155.00
(a) Potential for Harm	Minor	Moderate	Minor	Minor
(b) Extent of Deviation	Minor	Minor	Minor	Minor
2. Select an amount from the appropriate multiday matrix cell (for multi-event calculations enter the amount from item 1 above in this row)	\$155.00		\$155.00	\$155.00
(a) Number of days of violation (1 will be subtracted from this number to calculate penalty)	2		4	3
3. Multiply Item 2 by the number of days of violation minus 1 (or other number, as appropriate)	\$155.00	\$0.00	\$465.00	\$310.00
4. Add items 1 and 3	\$310.00	\$2,080.00	\$620.00	\$465.00
5. Good Faith				
(a) Percent increase				
(b) Percent decrease			15%	15%
6. Willfulness/negligence				
(a) Percent increase		20%		
(b) Percent decrease				
7. History of compliance/noncompliance				
(a) Percent increase	10%	20%	20%	
(b) Percent decrease				
8. Other unique factors				
(a) Percent increase				
(b) Percent decrease				
9. Total items 5 through 8	10%	40%	5%	-15%
10. Multiply item 4 by item 9	\$31.00	\$832.00	\$31.00	-\$69.75
11. Add items 4 and 10	\$341.00	\$2,912.00	\$651.00	\$395.25
12. Adjustment for environmental project				
13. Subtract item 12 from item 11	\$341.00	\$2,912.00	\$651.00	\$395.25
14. Calculate economic benefit				
15. Add items 13 and 14	\$341.00	\$2,912.00	\$651.00	\$395.25
16. Adjustment amount for ability to pay				
17. Subtract item 16 from item 15 for final settlement total	\$341.00	\$2,912.00	\$651.00	\$395.25

TOTAL THIS PAGE =	\$4,299.25	RUNNING TOTAL =	\$28,086.50
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Company Name:DCD, CAMDS, TOCDF
ID#:UT5210090002

DRAFT SETTLEMENT PENALTY AMOUNT
NOV #:0712032
NOV Date:February 4, 2008

Prepared By:Thomas Ball
Date Prepared:September 2008

Finding number (from NOV)	7.16	7.17	7.18,7.22,7.23,7.24	7.19
Finding Description	Failure to Maintain Scrubber pH	Failure to Challenge ACAMS	Failure to Challenge Sample Lines	Failure to Challenge Monitors at the Hazard Level
1. Gravity based penalty from the matrix	\$155.00	\$155.00	\$4,940.00	\$155.00
(a) Potential for Harm	Minor	Minor	Moderate	Minor
(b) Extent of Deviation	Minor	Minor	Major	Minor
2. Select an amount from the appropriate multiday matrix cell (for multi-event calculations enter the amount from item 1 above in this row)				
(a) Number of days of violation (1 will be subtracted from this number to calculate penalty)				
3. Multiply Item 2 by the number of days of violation minus 1 (or other number, as appropriate)	\$0.00	\$0.00	\$0.00	\$0.00
4. Add items 1 and 3	\$155.00	\$155.00	\$4,940.00	\$155.00
5. Good Faith				
(a) Percent increase				
(b) Percent decrease	15%	15%	15%	
6. Willfulness/negligence				
(a) Percent increase				
(b) Percent decrease				
7. History of compliance/noncompliance				
(a) Percent increase			20%	
(b) Percent decrease				
8. Other unique factors				
(a) Percent increase				
(b) Percent decrease				
9. Total items 5 through 8	-15%	-15%	5%	0%
10. Multiply item 4 by item 9	-\$23.25	-\$23.25	\$247.00	\$0.00
11. Add items 4 and 10	\$131.75	\$131.75	\$5,187.00	\$155.00
12. Adjustment for environmental project				
13. Subtract item 12 from item 11	\$131.75	\$131.75	\$5,187.00	\$155.00
14. Calculate economic benefit				
15. Add items 13 and 14	\$131.75	\$131.75	\$5,187.00	\$155.00
16. Adjustment amount for ability to pay				
17. Subtract item 16 from item 15 for final settlement total	\$131.75	\$131.75	\$5,187.00	\$155.00

TOTAL THIS PAGE =	\$5,605.50	RUNNING TOTAL =	\$33,692.00
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Company Name:DCD, CAMDS, TOCDF
ID#:UT5210090002

DRAFT SETTLEMENT PENALTY AMOUNT
NOV #:0712032
NOV Date:February 4, 2008

Prepared By:Thomas Ball
Date Prepared:September 2008

Finding number (from NOV)	7.20	7.21	7.25	7.26
Finding Description	Failure to Monitor as Required	Failure to Document in Log Books	Failure to Inspect UPS as Required	Failure to change NOx Filters
1. Gravity based penalty from the matrix	\$2,080.00	\$155.00	\$4,940.00	\$2,080.00
(a) Potential for Harm	Moderate	Minor	Moderate	Moderate
(b) Extent of Deviation	Minor	Minor	Major	Minor
2. Select an amount from the appropriate multiday matrix cell (for multi-event calculations enter the amount from item 1 above in this row)				
(a) Number of days of violation (1 will be subtracted from this number to calculate penalty)				
3. Multiply Item 2 by the number of days of violation minus 1 (or other number, as appropriate)	\$0.00	\$0.00	\$0.00	\$0.00
4. Add items 1 and 3	\$2,080.00	\$155.00	\$4,940.00	\$2,080.00
5. Good Faith				
(a) Percent increase				
(b) Percent decrease	15%	15%		
6. Willfulness/negligence				
(a) Percent increase				
(b) Percent decrease				
7. History of compliance/noncompliance				
(a) Percent increase				10%
(b) Percent decrease				
8. Other unique factors				
(a) Percent increase				
(b) Percent decrease				
9. Total items 5 through 8	-15%	-15%	0%	10%
10. Multiply item 4 by item 9	-\$312.00	-\$23.25	\$0.00	\$208.00
11. Add items 4 and 10	\$1,768.00	\$131.75	\$4,940.00	\$2,288.00
12. Adjustment for environmental project				
13. Subtract item 12 from item 11	\$1,768.00	\$131.75	\$4,940.00	\$2,288.00
14. Calculate economic benefit				
15. Add items 13 and 14	\$1,768.00	\$131.75	\$4,940.00	\$2,288.00
16. Adjustment amount for ability to pay				
17. Subtract item 16 from item 15 for final settlement total	\$1,768.00	\$131.75	\$4,940.00	\$2,288.00

TOTAL THIS PAGE =	\$9,127.75	RUNNING TOTAL =	\$42,819.75
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Company Name:DCD, CAMDS, TOCDF
ID#:UT5210090002

DRAFT SETTLEMENT PENALTY AMOUNT
NOV #:0712032
NOV Date:February 4, 2008

Prepared By:Thomas Ball
Date Prepared:September 2008

Finding number (from NOV)	7.27	7.28	7.29	7.30
Finding Description	Failure to Obtain Approval	Failure to Have Legible and Accurate Records	Failure to Follow Quality Control Procedures	Failure to Record Information
1. Gravity based penalty from the matrix	\$155.00	\$155.00	\$2,080.00	\$155.00
(a) Potential for Harm	Minor	Minor	Moderate	Minor
(b) Extent of Deviation	Minor	Minor	Minor	Minor
2. Select an amount from the appropriate multiday matrix cell (for multi-event calculations enter the amount from item 1 above in this row)				\$155.00
(a) Number of days of violation (1 will be subtracted from this number to calculate penalty)				2
3. Multiply Item 2 by the number of days of violation minus 1 (or other number, as appropriate)	\$0.00	\$0.00	\$0.00	\$155.00
4. Add items 1 and 3	\$155.00	\$155.00	\$2,080.00	\$310.00
5. Good Faith				
(a) Percent increase				
(b) Percent decrease				
6. Willfulness/negligence				
(a) Percent increase				
(b) Percent decrease				
7. History of compliance/noncompliance				
(a) Percent increase				10%
(b) Percent decrease				
8. Other unique factors				
(a) Percent increase				
(b) Percent decrease				
9. Total items 5 through 8	0%	0%	0%	10%
10. Multiply item 4 by item 9	\$0.00	\$0.00	\$0.00	\$31.00
11. Add items 4 and 10	\$155.00	\$155.00	\$2,080.00	\$341.00
12. Adjustment for environmental project				
13. Subtract item 12 from item 11	\$155.00	\$155.00	\$2,080.00	\$341.00
14. Calculate economic benefit				
15. Add items 13 and 14	\$155.00	\$155.00	\$2,080.00	\$341.00
16. Adjustment amount for ability to pay				
17. Subtract item 16 from item 15 for final settlement total	\$155.00	\$155.00	\$2,080.00	\$341.00

TOTAL THIS PAGE =	\$2,731.00	RUNNING TOTAL =	\$45,550.75
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Company Name:DCD, CAMDS, TOCDF
ID#:UT5210090002

DRAFT SETTLEMENT PENALTY AMOUNT
NOV #:0712032
NOV Date:February 4, 2008

Prepared By:Thomas Ball
Date Prepared:September 2008

Finding number (from NOV)	7.31	7.32	7.33	7.34
Finding Description	Failure to Re-challenge Sample Lines	Failure to Follow Documentation Procedures	Failure to Properly Document Sample Line Tests	Failure to Ensure Successful Sample Line Tests
1. Gravity based penalty from the matrix	\$2,080.00	\$155.00	\$155.00	\$0.00
(a) Potential for Harm	Moderate	Minor	Minor	N/A
(b) Extent of Deviation	Minor	Minor	Minor	N/A
2. Select an amount from the appropriate multiday matrix cell (for multi-event calculations enter the amount from item 1 above in this row)				
(a) Number of days of violation (1 will be subtracted from this number to calculate penalty)				
3. Multiply Item 2 by the number of days of violation minus 1 (or other number, as appropriate)	\$0.00	\$0.00	\$0.00	\$0.00
4. Add items 1 and 3	\$2,080.00	\$155.00	\$155.00	\$0.00
5. Good Faith				
(a) Percent increase				
(b) Percent decrease				
6. Willfulness/negligence				
(a) Percent increase				
(b) Percent decrease				
7. History of compliance/noncompliance				
(a) Percent increase	10%			
(b) Percent decrease				
8. Other unique factors				
(a) Percent increase				
(b) Percent decrease				
9. Total items 5 through 8	10%	0%	0%	0%
10. Multiply item 4 by item 9	\$208.00	\$0.00	\$0.00	\$0.00
11. Add items 4 and 10	\$2,288.00	\$155.00	\$155.00	\$0.00
12. Adjustment for environmental project				
13. Subtract item 12 from item 11	\$2,288.00	\$155.00	\$155.00	\$0.00
14. Calculate economic benefit				
15. Add items 13 and 14	\$2,288.00	\$155.00	\$155.00	\$0.00
16. Adjustment amount for ability to pay				
17. Subtract item 16 from item 15 for final settlement total	\$2,288.00	\$155.00	\$155.00	\$0.00

TOTAL THIS PAGE =	\$2,598.00	RUNNING TOTAL =	\$48,148.75
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Company Name:DCD, CAMDS, TOCDF
ID#:UT5210090002

DRAFT SETTLEMENT PENALTY AMOUNT
NOV #:0712032
NOV Date:February 4, 2008

Prepared By:Thomas Ball
Date Prepared:September 2008

Finding number (from NOV)	7.35	7.36	7.37	7.38
Finding Description	Failure to Monitor Igloos	Failure to Use Correct Procedures	Failure to Place Hazardous Waste into Storage	Failure to Ensure All Monitoring Was In Control
1. Gravity based penalty from the matrix		\$3,380.00	\$155.00	\$155.00
(a) Potential for Harm	N/A	Moderate	Minor	Minor
(b) Extent of Deviation	N/A	Moderate	Minor	Minor
2. Select an amount from the appropriate multiday matrix cell (for multi-event calculations enter the amount from item 1 above in this row)				
(a) Number of days of violation (1 will be subtracted from this number to calculate penalty)				
3. Multiply Item 2 by the number of days of violation minus 1 (or other number, as appropriate)	\$0.00	\$0.00	\$0.00	\$0.00
4. Add items 1 and 3	\$0.00	\$3,380.00	\$155.00	\$155.00
5. Good Faith				
(a) Percent increase				
(b) Percent decrease				15%
6. Willfulness/negligence				
(a) Percent increase				15%
(b) Percent decrease				
7. History of compliance/noncompliance				
(a) Percent increase				
(b) Percent decrease				
8. Other unique factors				
(a) Percent increase				
(b) Percent decrease				
9. Total items 5 through 8	0%	0%	0%	0%
10. Multiply item 4 by item 9	\$0.00	\$0.00	\$0.00	\$0.00
11. Add items 4 and 10	\$0.00	\$3,380.00	\$155.00	\$155.00
12. Adjustment for environmental project				
13. Subtract item 12 from item 11	\$0.00	\$3,380.00	\$155.00	\$155.00
14. Calculate economic benefit				
15. Add items 13 and 14	\$0.00	\$3,380.00	\$155.00	\$155.00
16. Adjustment amount for ability to pay				
17. Subtract item 16 from item 15 for final settlement total	\$0.00	\$3,380.00	\$155.00	\$155.00

TOTAL THIS PAGE =	\$3,690.00	RUNNING TOTAL =	\$51,838.75
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Company Name:DCD, CAMDS, TOCDF
ID#:UT5210090002

DRAFT SETTLEMENT PENALTY AMOUNT
NOV #:0712032
NOV Date:February 4, 2008

Prepared By:Thomas Ball
Date Prepared:September 2008

Finding number (from NOV)	7.39	7.40	7.41	7.42
Finding Description	Failure to Ensure Continous Monitoring	Failure to Submit Required Documents	Failure to Sound the Site Masking Alarm	Failure to Send Notices
1. Gravity based penalty from the matrix	\$155.00	\$155.00	\$2,080.00	\$155.00
(a) Potential for Harm	Minor	Minor	Moderate	Minor
(b) Extent of Deviation	Minor	Minor	Minor	Minor
2. Select an amount from the appropriate multiday matrix cell (for multi-event calculations enter the amount from item 1 above in this row)			\$2,080.00	
(a) Number of days of violation (1 will be subtracted from this number to calculate penalty)			2	
3. Multiply Item 2 by the number of days of violation minus 1 (or other number, as appropriate)	\$0.00	\$0.00	\$2,080.00	\$0.00
4. Add items 1 and 3	\$155.00	\$155.00	\$4,160.00	\$155.00
5. Good Faith				
(a) Percent increase				
(b) Percent decrease	15%	15%		15%
6. Willfulness/negligence				
(a) Percent increase			15%	
(b) Percent decrease				
7. History of compliance/noncompliance				
(a) Percent increase				
(b) Percent decrease				
8. Other unique factors				
(a) Percent increase				
(b) Percent decrease				
9. Total items 5 through 8	-15%	-15%	15%	-15%
10. Multiply item 4 by item 9	-\$23.25	-\$23.25	\$624.00	-\$23.25
11. Add items 4 and 10	\$131.75	\$131.75	\$4,784.00	\$131.75
12. Adjustment for environmental project				
13. Subtract item 12 from item 11	\$131.75	\$131.75	\$4,784.00	\$131.75
14. Calculate economic benefit				
15. Add items 13 and 14	\$131.75	\$131.75	\$4,784.00	\$131.75
16. Adjustment amount for ability to pay				
17. Subtract item 16 from item 15 for final settlement total	\$131.75	\$131.75	\$4,784.00	\$131.75

TOTAL THIS PAGE =	\$5,179.25	RUNNING TOTAL =	\$57,018.00
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Company Name:DCD, CAMDS, TOCDF
ID#:UT5210090002

DRAFT SETTLEMENT PENALTY AMOUNT
NOV #:0712032
NOV Date:February 4, 2008

Prepared By:Thomas Ball
Date Prepared:September 2008

Finding number (from NOV)	7.43	7.44	7.45	7.46
Finding Description	Failure to Place Waste in Labeled Containers	Improper Management of Waste	Failure to Maintain Accurate Operating Record	Failure to Maintain Secondary Coatings
1. Gravity based penalty from the matrix	\$155.00	\$155.00	\$155.00	\$155.00
(a) Potential for Harm	Minor	Minor	Minor	Minor
(b) Extent of Deviation	Minor	Minor	Minor	Minor
2. Select an amount from the appropriate multiday matrix cell (for multi-event calculations enter the amount from item 1 above in this row)				
(a) Number of days of violation (1 will be subtracted from this number to calculate penalty)				
3. Multiply Item 2 by the number of days of violation minus 1 (or other number, as appropriate)	\$0.00	\$0.00	\$0.00	\$0.00
4. Add items 1 and 3	\$155.00	\$155.00	\$155.00	\$155.00
5. Good Faith				
(a) Percent increase				
(b) Percent decrease				
6. Willfulness/negligence				
(a) Percent increase				20%
(b) Percent decrease				
7. History of compliance/noncompliance				
(a) Percent increase				
(b) Percent decrease				
8. Other unique factors				
(a) Percent increase				
(b) Percent decrease				
9. Total items 5 through 8	0%	0%	0%	20%
10. Multiply item 4 by item 9	\$0.00	\$0.00	\$0.00	\$31.00
11. Add items 4 and 10	\$155.00	\$155.00	\$155.00	\$186.00
12. Adjustment for environmental project				
13. Subtract item 12 from item 11	\$155.00	\$155.00	\$155.00	\$186.00
14. Calculate economic benefit				
15. Add items 13 and 14	\$155.00	\$155.00	\$155.00	\$186.00
16. Adjustment amount for ability to pay				
17. Subtract item 16 from item 15 for final settlement total	\$155.00	\$155.00	\$155.00	\$186.00

TOTAL THIS PAGE =	\$651.00	RUNNING TOTAL =	\$57,669.00
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Company Name:DCD, CAMDS, TOCDF
ID#:UT5210090002

DRAFT SETTLEMENT PENALTY AMOUNT
NOV #:0712032
NOV Date:February 4, 2008

Prepared By:Thomas Ball
Date Prepared:September 2008

Finding number (from NOV)	7.47	7.48(a)	7.48(b)	7.48(c)
Finding Description	Failure to Follow SOPs	Failure to Follow the WAP	Failure to Follow the WAP	Failure to Follow the WAP
1. Gravity based penalty from the matrix	\$3,380.00	\$155.00	\$0.00	\$2,080.00
(a) Potential for Harm	Moderate	Minor	N/A	Moderate
(b) Extent of Deviation	Moderate	Minor	N/A	Minor
2. Select an amount from the appropriate multiday matrix cell (for multi-event calculations enter the amount from item 1 above in this row)				
(a) Number of days of violation (1 will be subtracted from this number to calculate penalty)				
3. Multiply Item 2 by the number of days of violation minus 1 (or other number, as appropriate)	\$0.00	\$0.00	\$0.00	\$0.00
4. Add items 1 and 3	\$3,380.00	\$155.00	\$0.00	\$2,080.00
5. Good Faith				
(a) Percent increase				
(b) Percent decrease	5%	15%		
6. Willfulness/negligence				
(a) Percent increase	10%			
(b) Percent decrease				
7. History of compliance/noncompliance				
(a) Percent increase				
(b) Percent decrease				
8. Other unique factors				
(a) Percent increase				
(b) Percent decrease				
9. Total items 5 through 8	5%	-15%	0%	0%
10. Multiply item 4 by item 9	\$169.00	-\$23.25	\$0.00	\$0.00
11. Add items 4 and 10	\$3,549.00	\$131.75	\$0.00	\$2,080.00
12. Adjustment for environmental project				
13. Subtract item 12 from item 11	\$3,549.00	\$131.75	\$0.00	\$2,080.00
14. Calculate economic benefit				
15. Add items 13 and 14	\$3,549.00	\$131.75	\$0.00	\$2,080.00
16. Adjustment amount for ability to pay				
17. Subtract item 16 from item 15 for final settlement total	\$3,549.00	\$131.75	\$0.00	\$2,080.00

TOTAL THIS PAGE =	\$5,760.75	RUNNING TOTAL =	\$63,429.75
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Company Name:DCD, CAMDS, TOCDF
ID#:UT5210090002

DRAFT SETTLEMENT PENALTY AMOUNT
NOV #:0712032
NOV Date:February 4, 2008

Prepared By:Thomas Ball
Date Prepared:September 2008

Finding number (from NOV)	7.48(d)	7.49	7.50(a)	7.50(b)
Finding Description	Failure to Follow the WAP	Failure to Follow the Inspection Plan	Failure to Ensure Equipment was Operating	Failure to Properly Operate and Maintain Equipment
1. Gravity based penalty from the matrix	\$155.00	\$155.00	\$155.00	\$155.00
(a) Potential for Harm	Minor	Minor	Minor	Minor
(b) Extent of Deviation	Minor	Minor	Minor	Minor
2. Select an amount from the appropriate multiday matrix cell (for multi-event calculations enter the amount from item 1 above in this row)				
(a) Number of days of violation (1 will be subtracted from this number to calculate penalty)				
3. Multiply Item 2 by the number of days of violation minus 1 (or other number, as appropriate)	\$0.00	\$0.00	\$0.00	\$0.00
4. Add items 1 and 3	\$155.00	\$155.00	\$155.00	\$155.00
5. Good Faith				
(a) Percent increase				
(b) Percent decrease		15%	15%	15%
6. Willfulness/negligence				
(a) Percent increase				
(b) Percent decrease				
7. History of compliance/noncompliance				
(a) Percent increase				
(b) Percent decrease				
8. Other unique factors				
(a) Percent increase				
(b) Percent decrease				
9. Total items 5 through 8	0%	-15%	-15%	-15%
10. Multiply item 4 by item 9	\$0.00	-\$23.25	-\$23.25	-\$23.25
11. Add items 4 and 10	\$155.00	\$131.75	\$131.75	\$131.75
12. Adjustment for environmental project				
13. Subtract item 12 from item 11	\$155.00	\$131.75	\$131.75	\$131.75
14. Calculate economic benefit				
15. Add items 13 and 14	\$155.00	\$131.75	\$131.75	\$131.75
16. Adjustment amount for ability to pay				
17. Subtract item 16 from item 15 for final settlement total	\$155.00	\$131.75	\$131.75	\$131.75

TOTAL THIS PAGE =	\$550.25	RUNNING TOTAL =	\$63,980.00
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Company Name:DCD, CAMDS, TOCDF
ID#:UT5210090002

DRAFT SETTLEMENT PENALTY AMOUNT
NOV #:0712032
NOV Date:February 4, 2008

Prepared By:Thomas Ball
Date Prepared:September 2008

Finding number (from NOV)	7.51	7.52	7.53	7.54
Finding Description	Failure to Monitor for CO as Required	Failure to Maintain Clean Liquor Flow	Failure to Maintain Quench Brine Feed	Failure to Follow the AMP
1. Gravity based penalty from the matrix	\$155.00	\$155.00	\$155.00	\$155.00
(a) Potential for Harm	Minor	Minor	Minor	Minor
(b) Extent of Deviation	Minor	Minor	Minor	Minor
2. Select an amount from the appropriate multiday matrix cell (for multi-event calculations enter the amount from item 1 above in this row)				
(a) Number of days of violation (1 will be subtracted from this number to calculate penalty)				
3. Multiply Item 2 by the number of days of violation minus 1 (or other number, as appropriate)	\$0.00	\$0.00	\$0.00	\$0.00
4. Add items 1 and 3	\$155.00	\$155.00	\$155.00	\$155.00
5. Good Faith				
(a) Percent increase				
(b) Percent decrease	15%	15%	15%	15%
6. Willfulness/negligence				
(a) Percent increase				
(b) Percent decrease				
7. History of compliance/noncompliance				
(a) Percent increase				
(b) Percent decrease				
8. Other unique factors				
(a) Percent increase				
(b) Percent decrease				
9. Total items 5 through 8	-15%	-15%	-15%	-15%
10. Multiply item 4 by item 9	-\$23.25	-\$23.25	-\$23.25	-\$23.25
11. Add items 4 and 10	\$131.75	\$131.75	\$131.75	\$131.75
12. Adjustment for environmental project				
13. Subtract item 12 from item 11	\$131.75	\$131.75	\$131.75	\$131.75
14. Calculate economic benefit				
15. Add items 13 and 14	\$131.75	\$131.75	\$131.75	\$131.75
16. Adjustment amount for ability to pay				
17. Subtract item 16 from item 15 for final settlement total	\$131.75	\$131.75	\$131.75	\$131.75

TOTAL THIS PAGE =	\$527.00	RUNNING TOTAL =	\$64,507.00
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Company Name:DCD, CAMDS, TOCDF
ID#:UT5210090002

DRAFT SETTLEMENT PENALTY AMOUNT
NOV #:0712032
NOV Date:February 4, 2008

Prepared By:Thomas Ball
Date Prepared:September 2008

Finding number (from NOV)	A1	A2	A3	A4
Finding Description	Failure to Have Perimeter Monitoring As Required	Failure to Sound the Site Masking Alarm	Failure to Analyze DAAMS Tubes	Failure to Follow Monitoring and QC Plan
1. Gravity based penalty from the matrix	\$155.00	\$2,080.00	\$155.00	\$155.00
(a) Potential for Harm	Minor	Moderate	Minor	Minor
(b) Extent of Deviation	Minor	Minor	Minor	Minor
2. Select an amount from the appropriate multiday matrix cell (for multi-event calculations enter the amount from item 1 above in this row)				
(a) Number of days of violation (1 will be subtracted from this number to calculate penalty)				
3. Multiply Item 2 by the number of days of violation minus 1 (or other number, as appropriate)	\$0.00	\$0.00	\$0.00	\$0.00
4. Add items 1 and 3	\$155.00	\$2,080.00	\$155.00	\$155.00
5. Good Faith				
(a) Percent increase				
(b) Percent decrease	15%	15%	15%	15%
6. Willfulness/negligence				
(a) Percent increase	10%	10%		
(b) Percent decrease				
7. History of compliance/noncompliance				
(a) Percent increase			20%	10%
(b) Percent decrease				
8. Other unique factors				
(a) Percent increase				
(b) Percent decrease				
9. Total items 5 through 8	-5%	-5%	5%	-5%
10. Multiply item 4 by item 9	-\$7.75	-\$104.00	\$7.75	-\$7.75
11. Add items 4 and 10	\$147.25	\$1,976.00	\$162.75	\$147.25
12. Adjustment for environmental project				
13. Subtract item 12 from item 11	\$147.25	\$1,976.00	\$162.75	\$147.25
14. Calculate economic benefit				
15. Add items 13 and 14	\$147.25	\$1,976.00	\$162.75	\$147.25
16. Adjustment amount for ability to pay				
17. Subtract item 16 from item 15 for final settlement total	\$147.25	\$1,976.00	\$162.75	\$147.25

TOTAL THIS PAGE =	\$2,433.25	RUNNING TOTAL =	\$66,940.25
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Company Name:DCD, CAMDS, TOCDF
ID#:UT5210090002

DRAFT SETTLEMENT PENALTY AMOUNT
NOV #:0712032
NOV Date:February 4, 2008

Prepared By:Thomas Ball
Date Prepared:September 2008

Finding number (from NOV)	A5	A6	A7	A8
Finding Description	Failure to Have Current Copies of Plans	Failure to Maintain Emergency Equipment	Failure to Feed Incinerator as Approved	Failure to Monitor the DAL with ACAMS
1. Gravity based penalty from the matrix	\$155.00		\$155.00	\$155.00
(a) Potential for Harm	Minor	N/A	Minor	Minor
(b) Extent of Deviation	Minor	N/A	Minor	Minor
2. Select an amount from the appropriate multiday matrix cell (for multi-event calculations enter the amount from item 1 above in this row)				
(a) Number of days of violation (1 will be subtracted from this number to calculate penalty)				
3. Multiply Item 2 by the number of days of violation minus 1 (or other number, as appropriate)	\$0.00	\$0.00	\$0.00	\$0.00
4. Add items 1 and 3	\$155.00	\$0.00	\$155.00	\$155.00
5. Good Faith				
(a) Percent increase				
(b) Percent decrease			15%	15%
6. Willfulness/negligence				
(a) Percent increase				
(b) Percent decrease				
7. History of compliance/noncompliance				
(a) Percent increase				
(b) Percent decrease				
8. Other unique factors				
(a) Percent increase				
(b) Percent decrease				
9. Total items 5 through 8	0%	0%	-15%	-15%
10. Multiply item 4 by item 9	\$0.00	\$0.00	-\$23.25	-\$23.25
11. Add items 4 and 10	\$155.00	\$0.00	\$131.75	\$131.75
12. Adjustment for environmental project				
13. Subtract item 12 from item 11	\$155.00	\$0.00	\$131.75	\$131.75
14. Calculate economic benefit				
15. Add items 13 and 14	\$155.00	\$0.00	\$131.75	\$131.75
16. Adjustment amount for ability to pay				
17. Subtract item 16 from item 15 for final settlement total	\$155.00	\$0.00	\$131.75	\$131.75

TOTAL THIS PAGE =	\$418.50	RUNNING TOTAL =	\$67,358.75
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Company Name:DCD, CAMDS, TOCDF
ID#:UT5210090002

DRAFT SETTLEMENT PENALTY AMOUNT
NOV #:0712032
NOV Date:February 4, 2008

Prepared By:Thomas Ball
Date Prepared:September 2008

Finding number (from NOV)	A9	A10	A11	
Finding Description	Failure to Perform and Document Inspections	Failure to Follow the AMP	Failure to Place Hazardous Waste into Containers	
1. Gravity based penalty from the matrix	\$1,170.00	\$155.00	\$155.00	
(a) Potential for Harm	Minor	Minor	Minor	
(b) Extent of Deviation	Major	Minor	Minor	
2. Select an amount from the appropriate multiday matrix cell (for multi-event calculations enter the amount from item 1 above in this row)	\$1,170.00	\$155.00		
(a) Number of days of violation (1 will be subtracted from this number to calculate penalty)	4	4		
3. Multiply Item 2 by the number of days of violation minus 1 (or other number, as appropriate)	\$3,510.00	\$465.00	\$0.00	\$0.00
4. Add items 1 and 3	\$4,680.00	\$620.00	\$155.00	\$0.00
5. Good Faith				
(a) Percent increase				
(b) Percent decrease				
6. Willfulness/negligence				
(a) Percent increase				
(b) Percent decrease				
7. History of compliance/noncompliance				
(a) Percent increase			30%	
(b) Percent decrease				
8. Other unique factors				
(a) Percent increase				
(b) Percent decrease				
9. Total items 5 through 8	0%	0%	30%	0%
10. Multiply item 4 by item 9	\$0.00	\$0.00	\$46.50	\$0.00
11. Add items 4 and 10	\$4,680.00	\$620.00	\$201.50	\$0.00
12. Adjustment for environmental project				
13. Subtract item 12 from item 11	\$4,680.00	\$620.00	\$201.50	\$0.00
14. Calculate economic benefit				
15. Add items 13 and 14	\$4,680.00	\$620.00	\$201.50	\$0.00
16. Adjustment amount for ability to pay				
17. Subtract item 16 from item 15 for final settlement total	\$4,680.00	\$620.00	\$201.50	\$0.00

TOTAL THIS PAGE =	\$5,501.50	GRAND TOTAL =	\$72,860.25
		DCD Portion	\$2,767.75
		CAMDS Portion	\$56,706.75
		TOCDF Portion	\$13,385.75